

RESTRICTED

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ORIGINAL: ENGLISH

GENERAL AGREEMENT ON TARIFFS AND TRADE
FIRST SESSION OF THE CONTRACTING PARTIES
SUMMARY RECORD OF THE TWELFTH MEETING

Held at the Capitol, Havana, Cuba, Friday, 19 March 1948, at 3.30 p.m.

Chairman: Mr. D. L. WILGRESS (Canada)

1. REPORT OF THE SUB-COMMITTEE ON THE PROTOCOL INCORPORATING RECTIFICATIONS TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE (documents GATT/1/37 and Corr.2)

Mr. PHELPS (United States), Chairman of the Sub-Committee, introduced the Report. He stated that it had soon become apparent to the Sub-Committee that some of the proposed changes were more than typographical; therefore, it had referred such changes to the countries concerned, for clearance with the countries with which the items in question had been negotiated; the results of these enquiries were given on page 2 of the Report. He suggested that the countries which had not yet responded, should submit their replies to the Secretariat as soon as possible. A dead-line should be set, as changes not agreed upon would have to be deleted from the Protocol.

Mr. AUGENTHALER (Czechoslovakia) said that consent had been given only to typographical corrections. Therefore, pending instructions from his government, it was not yet possible to give consent to Items 1503 (third) and 1527 (a) (1) and (2) of the United States list.

Mr. ROYER (France) said he also had no instructions at present concerning Item 1527 (a) (1) and (2) of the United States list. He considered that Item 1529 (a) (first) of the United States list fell within the framework of paragraph 5 of Article II of the General Agreement; he could probably accept the proposed change on the understanding that the question might later be reopened under the terms of that Article.

Mr. SHACKLE (United Kingdom) asked that a note be added to Schedule XIX, Section 0, Part I, to the effect that the provisions of that Section should be inoperative pending re-negotiation.

Mr. PHELPS (United States) confirmed the understanding of Mr. SHACKLE that this note was agreeable to the United States.

/Regarding Mr. Royer's

Regarding Mr. Royer's observation on Item 1529 (a) (first), the purpose of the United States adjustment was merely to correct a concession in Schedule XX which had been in excess of the fifty per cent limitation under the Trade Agreements Act. It had been accepted at Geneva that the United States was subject to this limitation.

Mr. GUERRA (Cuba) stated that the rectification of 115-H in Part I of Schedule IX was purely typographical, since the official tariff in force of \$1.06 had not been changed since Geneva. He thought that the possibility of making corrections should be left open until the next Session of the Contracting Parties, since points of substance were involved as well as typographical errors, and more time was needed to deal with them.

Mr. SHACKLE (United Kingdom) said that he was awaiting instructions from his government on Item 54 (first) of the United States list. It would be helpful if the lists could be held open until the last possible moment in order to include in the Protocol all items on which agreement had been obtained.

The preamble of the Protocol was then approved, subject to reversal of the words "Schedules and Annexes" to read "Annexes and Schedules" in line 5 on page 2, and to drafting changes in the French version.

The CHAIRMAN called attention to GATT/1/37/Corr.2 (paragraph 2) concerning Annex B, to be inserted after paragraph 2 at the end of page 5.
SCHEDULE I - COMMONWEALTH OF AUSTRALIA

Mr. MORTON (Australia) stated that the United States and Canada had agreed to the change in Item 231 (E).

The Rectification in Schedule I was approved.

SCHEDULE II - BELGIUM, LUXEMBOURG, NETHERLANDS

Mr. LAMSVELT (Netherlands) stated that Canada had agreed to the rectifications to Item 640, which were not a matter of substance.

The Rectifications in Schedule II were approved.

SCHEDULE III - UNITED STATES OF BRAZIL

The Rectifications were approved.

SCHEDULE V - CANADA

Mr. ROYER (France) said that Item 156 (v) appeared to be only a typographical error; he had received confirmation on Items ex 162 and 549 (11) from his government.

Mr. WOUJBRON (Luxembourg) had not yet received instructions on Item ex 172 (second). Item 187b was correct in the French text.

Mr. PHELPS (United States) could not yet give confirmation regarding Item 438e(3).

Mr. COUILLARD (Canada) asked that the Items read in full: ex156(V), 438e(3), and 549(11).

/The Rectifications

The Rectifications in Schedule V were approved, subject to the outstanding confirmations.

SCHEDULE VI - CEYLON

The Rectifications were approved.

SCHEDULE VII - REPUBLIC OF CHILE

The Rectifications were approved.

SCHEDULE IX - REPUBLIC OF CUBA

Mr. PHELPS (United States) said he was not yet authorized to give approval to the items numbered (2) to (5) in the Report. He would enquire about Item (1) in the list of Mr. Guerra's earlier statement.

The Rectifications in Schedule IX were approved, subject to outstanding confirmations.

SCHEDULE X - CZECHOSLOVAKIA

The Rectifications were approved.

SCHEDULE XI - FRANCE

The Rectifications were approved.

SCHEDULE XII - INDIA

The Rectifications were approved. (See Corr.2; also "strength" should be capitalized).

SCHEDULE XV - PAKISTAN

The Rectifications were approved. (See bracketed note on Schedule XII above).

SCHEDULE XVIII - UNION OF SOUTH AFRICA

The Rectifications were approved.

SCHEDULE XIX - UNITED KINGDOM

Mr. SHACKLE (United Kingdom) said that all rectifications had been confirmed.

The Note requested on Section C (see earlier statement) was approved.

The Rectifications in Schedule XIX were approved.

SCHEDULE XX - UNITED STATES OF AMERICA

Mr. PHELPS (United States) said that the item numbered 1 in the Sub-Committee's Report was not yet confirmed; (2) was confirmed by China and the United Kingdom; (3) by the United Kingdom; (4) was considered by the Sub-Committee to be a typographical rectification; (5) was confirmed by Canada; (6) and (7) were confirmed by the United Kingdom; (8), (9) (10) and (11) had not yet been confirmed.

Mr. ROYER (France) said that concerning the Items of interest to France, these could be included in the Protocol, on the understanding that France reserved its right to reopen them under Paragraph 2 of Article V.

To a question of Mr. AUGENTHALER (Czechoslovakia), Mr. Phelps replied that if approval of any substantial item were not received from the government with which the item had been negotiated, that item would be deleted from the Protocol before signature.

The Rectifications

The Rectifications in Schedule XX were approved, subject to outstanding confirmations.

Paragraph 3 (page 34)

Mr. AUGENTHALER (Czechoslovakia) queried paragraph 3 as regards changes of substance.

Mr. MORTON (Australia) pointed out that, as regards rectifications which lowered rates, a country should not be deprived of the benefits of concessions negotiated at Geneva by reason of typographical errors; as for rates higher than those originally shown, paragraph 2 of Article X would preclude collection of duties at the higher rates until these were officially published.

Paragraph 3 was approved, substituting the word "day" for "date" (line 2), in the English version only, subject to the following corrections in the French version:

- (i) in line 5, replace "signé de" by "en data du"
- (ii) in line 9, replace "de sa signature" by "précitée".

Paragraph 4:

Mr. NASH (New Zealand) drew attention to the corresponding provision in the GATT (Paragraph 6 of Article XXVI) which referred to the time of registration.

After discussion, it was agreed to substitute for paragraph 4 the similar paragraph (6) in the Protocol of Provisional Application, subject to consultation with the Legal Advisor.

Penultimate Paragraph

After discussion, it was agreed that the penultimate paragraph should read: "IN WITNESS WHEREOF the Governments above-named having communicated their powers, found to be in good and due form, have signed their protocol."

The CHAIRMAN called attention to the need for the Contracting Parties to have full powers for signature of the Protocol.

It was agreed to include in the Protocol outstanding rectifications confirmed by 6.00 p.m., Monday, 22 March. Items not confirmed by then would be omitted from the Protocol.

On a point raised by Mr. WOULEROU (Luxembourg), Mr. ROYER (France) proposed that, between Sessions of the Contracting Parties, governments might contact each other with regard to confirmation of rectifications not included in the Protocol, and make appropriate arrangements after notifying other contracting parties. Mr. RODRIGUEZ (Brazil) thought that rectifications not included in the present Protocol should be considered at the next Session.

The meeting rose at 5.15 p.m. for a break of thirty minutes.

