

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

SR.9/47

18 March 1955

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CONTRACTING PARTIES
Ninth Session

SUMMARY RECORD OF THE FORTY-SEVENTH MEETING

Held at the Palais des Nations, Geneva,
on Monday, 7 March 1955, at 3 p.m.

Chairman: H.E. Mr. L. Dana WILGRESS (Canada)

- Subjects discussed:
1. Declaration on Continued Application of Schedules
 2. Text of Article XXVIII Proposed by the Legal and Drafting Committee
 3. French Reservation to Paragraph 23 of the Report of Review Working Party III
 4. Approval of the Organizational Agreement
 5. Voting on Amendments
 6. Press Communiqué
 7. Closing remarks
 8. Statement by Chairman of the Legal and Drafting Committee

1. Declaration on Continued Application of the Schedules (L/340, 341, 342, 343, 347)

The CHAIRMAN referred to the proposal of the United States for a single declaration on the continued application of the Schedules to the General Agreement (L/347) to replace the separate proposed Decisions on the application of Article XVIII A (L/340), on authority to renegotiate concessions in special circumstances during the period from 1 July 1955 to 31 December 1957 (L/341), on procedures for completing Article XXVIII negotiations (L/342) and the draft Declaration on the Continued Application of the Schedules (L/343).

Mr. BROWN (United States) explained that the proposal for a declaration covering all of these matters had been made by his delegation because a change in the obligations of contracting parties was involved. Any modification of the rights and duties of contracting parties should take place only by means of a legal instrument and not by a decision where the vote of a majority could bind the minority. This was, for his own delegation a matter of form rather than substance.

In reply to various questions and observations, the EXECUTIVE SECRETARY explained that the Declaration would only be binding on a contracting party which had accepted it, that it could be drawn up so as to be open for acceptance in separate parts, and that a contracting party which had accepted one part of the Declaration without the other would only be bound in respect of the part which it had accepted. The thirty-days' notice provided for modifications or withdrawals was the date on which the change affected the Schedule of the contracting party rather than the date on which duty was formally altered by internal action of a contracting party.

Mr. BIMBAS (Greece) said that his Government, while having no objection to the adoption of the Declaration on the Continued Application of the Schedules, reserved its right to sign at a later date, after the negotiations which they had stated they intended to undertake from May to June had been completed (SECRET/23).

Mr. FINNMARK (Sweden) stated that the Swedish Government was engaged in reviewing its tariff and renegotiation of some items might be necessary. This they would wish to do under Article XXVIII or under the revised provisions of that Article. They would defer signature of the Declaration until after this had been completed. Moreover, the Declaration would have to be submitted, at least in so far as the first Section was concerned, to Parliament.

Mr. MACHADO (Brazil) observed that his Government was engaged in changing its tariff so as to replace specific by ad valorem duties - a change which they did not regard as falling under the renegotiation procedures.

The EXECUTIVE SECRETARY pointed out that if the transposition of a tariff from specific to ad valorem duties in fact involved modifications or withdrawals of concessions, then contracting parties were obliged to act under Article XXVIII. Such a transposition, however, would fall under the qualification of "special circumstances" and could therefore take place under the revised paragraph 4 of Article XXVIII.

Mr. COHN (Dominican Republic) said that his Government was in the same position as the Swedish Government and associated himself with their observations. #

Final adoption of the proposed declaration was deferred (see the note at the end of this summary record).

2. Text of Article XXVIII Proposed by the Legal and Drafting Committee (W.9/248)

The CONTRACTING PARTIES adopted the revision of Article XXVIII prepared by the Legal and Drafting Committee in consultation with interested delegations.

3. French Reservation to Paragraph 23 of the Report of Review Working Party III (L/334 and W.9/240)

Mr. LARRE (France) referred to the earlier discussion of this matter (SR.9/41 and 43), as a result of which the United Kingdom delegation had proposed a new text of paragraph 4 of Article XVI, to replace paragraphs 4 and 5 in the Working Party report, as a compromise solution (W.9/240). This was acceptable to the French delegation. He added that his delegation would be able to supply interested delegations with a note on the system of reimbursement of social charges presently applied in France.

Mr. VARGAS GOMEZ (Cuba) felt that the United Kingdom compromise solution weakened even further the earlier, sufficiently weak, compromise which had been reached on Article XVI. Could not the problem be met by an interpretative note, since it was peculiar to one country? He would have to reserve the position of his Government if the United Kingdom solution were adopted.

Mr. MACHADO (Brazil) observed that the original paragraph 5(b) of Article XVI, contained in the Working Party report, stated that "in reaching their decision the CONTRACTING PARTIES shall give due consideration to the needs of economic development ...". This concept was not contained in the text proposed by the United Kingdom and it would be acceptable to his delegation if it were recorded in the summary record that the CONTRACTING PARTIES agreed that the needs of economic development should be borne in mind.

The CONTRACTING PARTIES adopted the text proposed by the United Kingdom to replace paragraphs 4 and 5 of the proposed Article XVI and agreed with the interpretation contained in the last sentence of the original paragraph 5 and referred to by the Brazilian representative.

Mr. ANZILOTTI (Italy) recalled his earlier remarks to the effect that his Government could not accept differential treatment for primary products and other products, and had therefore reserved its position on the whole Article.

Baron BENTINCK (The Netherlands) thought that it should be clearly recorded that the amendment now adopted by the CONTRACTING PARTIES differed from that proposed by the Working Party in its report and that the latter would have been accepted but for the opposition of the French delegation. The text proposed by the Working Party would have resulted in the abolition of all export subsidies, except those on primary products, by 1 January 1958. The record should show that the reason the CONTRACTING PARTIES decided to follow a different course was their wish to accommodate the special political difficulties of the French Government. The conclusion to be drawn from these facts was that, when the CONTRACTING PARTIES should find, in reviewing the operation of export subsidies, that these special circumstances had ceased to exist or been modified, the ban on export subsidies on products other than primary products would have to be instituted at the earliest possible date after such a finding.

Baron Bentinck proposed that this statement be recorded as the consensus of opinion and the conclusion of the CONTRACTING PARTIES.

The representatives of Denmark, Canada, Norway, Sweden, the United States and Belgium, associated themselves with the statement and supported the proposal.

The representatives of the United Kingdom, Brazil, Czechoslovakia and France opposed recording The Netherlands' views as the consensus of opinion of the CONTRACTING PARTIES.

Mr. LARRE (France) added that there was a full record of the discussion of this matter and emphasized moreover that the original French difficulties had arisen from the disparity of the treatment of subsidies contained in Article XVI. He was surprised at the suggestion of a procedure so different from any followed before - there were after all other cases of meeting the particular difficulties of one contracting party - and chagrined at the turn this must give to the expressions of thanks he wished to make.

Mr. VARGAS GOMEZ (Cuba) referred to the reservation of his Government on this whole matter.

The CHAIRMAN said that the record of the discussions would set out the views expressed and would suffice to describe the position.

4. Approval of the Organizational Agreement (L/327 Annex I, L/327/Add.1 and W.9/236)

The draft Agreement of the Organization for Trade Cooperation was taken up Article by Article, as included in the Report of Working Party IV and subsequently amended as a result of the Decision of the CONTRACTING PARTIES on Article 6 and by the Legal and Drafting Committee (see final signature text).

Mr. PORCEL (Cuba) withdrew the reservation of his Government to Article 10.

Dr. NAUDE (Union of South Africa) recorded the vote of his delegation against Article 11 paragraph (b).

In reply to questions regarding Article 20, the EXECUTIVE SECRETARY explained that the formula used in that Article was similar to that of the Havana Charter whereby, after a date to be specified, governments which had accepted the Agreement might decide to apply it among themselves. Any country which had not accepted the Agreement would not, of course, be bound by its provisions, and the changes to the General Agreement consequential upon the Organizational Agreement coming into force would not come into force before the latter nor be binding on those contracting parties which had accepted neither. The CONTRACTING PARTIES would continue to function until the Organization came into existence. He referred contracting parties to the report of the Rapporteurs (W.9/93) which described the various stages in the entry into force of the Organization and to which reference had been made in the report of the Working Party.

It was agreed to insert the date of 15 November in Article 20 and to inscribe on the Agenda of the Tenth Session a review of the situation as to acceptances of the Organizational Agreement.

Mr. GOERTZ (Austria) reserved his position as to that date which, he feared would be too early for the Austrian Parliament to have ratified the Organizational Agreement.

The CONTRACTING PARTIES approved the Organizational Agreement as a whole.

5. Voting on Amendments

The CHAIRMAN recalled the procedure agreed for the inclusion of amendments in the various protocols, namely that each amendment would be submitted to a vote and be accepted for inclusion if it received a vote of

two-thirds of the contracting parties. Reservations which had been recorded in the reports of the Working Parties or during the discussion of these reports would stand unless specifically withdrawn.

The Draft Protocol prepared by the Legal and Drafting Committee amending Part II and Part III of the General Agreement (W.9/246) was then taken up Section by Section, each Section being put to the CONTRACTING PARTIES for a vote.¹ All the amendments to Articles included in the Protocol were adopted without opposition except as noted below.

Votes were taken on the following amendments and the result of these votes was as follows.

Section E (Article VII) was put to the vote in separate parts at the request of the Cuban delegation, which opposed sub-paragraph (i). Sub-paragraph (i) was adopted by twenty-eight votes in favour to five against. Sub-paragraphs (ii) and (iii) were adopted without opposition.

Section F (Article VIII) was adopted by a vote of twenty-seven in favour to three against.

Section N (Article XVIII) was adopted by thirty-two votes in favour to one against - the South African delegate, in recording his vote against, withdrew his formal reservation.

Section T (Article XXV) was adopted by a vote of thirty in favour to one against. The Cuban representative recorded his vote against and the reservation of his Government.

Section II (Interpretative Note to Article XVI) was voted upon in sections, Note 2 to paragraph 3 being carried by a vote of twenty-six in favour to one against and the remaining notes being carried with no opposition.

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The reference below to the sections and articles are as contained in the final Protocol.

Reservations, abstentions and remarks were recorded as follows.

The United States delegate withdrew his reservation on Section D (Article VI).

The South African delegate abstained on the vote on Section J (Article XIV).

The Cuban, Danish, Italian, Norwegian and Swedish delegates abstained on the vote on Section L (Article XVI).

In Section M (Article XVII) the Italian delegate reserved his position concerning fiscal monopolies.

The delegates of Australia and the United States withdrew their reservations to the deletion of Part II of Article XX - Section P.

The Greek delegate referred to the statements previously made by his delegation on the subject of Article XXVIII - Section W.

The New Zealand delegate withdrew his reservation on the note to paragraphs 18 and 22 - Section KK.

The CONTRACTING PARTIES approved the Protocol as a whole.

The draft Protocol, prepared by the Legal and Drafting Committee, (W.9/244), amending Part I and Articles XXIX and XXX was then taken up section by section, each section being put to the CONTRACTING PARTIES for a vote.¹

The amendments contained in this Protocol were adopted without opposition except that the Cuban representative reserved the position of his Government on Section A (Article XXIX and the new Article I), and the Chilean representative reserved the position of his delegation on Section B(b)(1) and (11) and the Indonesian representative on Section B(b)(1) (Article II).

The CONTRACTING PARTIES approved the Protocol as a whole.

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See note on page 6.

The draft Protocol prepared by the Legal and Drafting Committee containing Organizational Amendments (W.9/243) was then taken up section by section, each section being put to the CONTRACTING PARTIES for a vote.¹

The amendments contained in this Protocol were adopted without opposition.

It was noted that the different amendments to Article XXV contained in this Protocol and in the Protocol amending Part II and Part III, were necessary in order to cover the transitional period that might occur between the entry into force of the latter and of the Organizational Agreement.

The Protocol was approved as a whole.

The Legal and Drafting Committee and the secretariat were instructed to prepare the final texts for signature, ensuring the conformity of the two authentic texts. These Protocols, the Final Act and the Organizational Agreement would be open for signature as from 10 March 1955.

6. Press Communiqué

The discussion on this item was deferred until the next morning (see the note at the end of this summary record).

7. Closing Remarks

Mr. FINNMARK (Sweden) recalled that, in the inaugural statement made by his delegation on 9 November 1954 they had explained their general approach in relation to questions of trade and tariff policy which came within the purview of the General Agreement. The Swedish Government was desirous of strengthening the international tariff and trade cooperation within the Organization, and was anxious to take part in actions aimed at a reasonable levelling of tariff barriers in the various countries, through further tariff reductions, and also at eliminating quantitative restrictions imposed on other than balance-of-payment grounds. In their view, there was a close connection between different kinds of obstacles to trade, and they would not support a method whereby the abolition only of quantitative restrictions was undertaken, without at the same time aiming at a reduction of tariffs. They were not convinced that continued increase of world trade was furthered by substituting one kind of trade obstacle for another. The aims of the General Agreement could best be served by a simultaneous attack on both tariffs and quantitative restrictions. There should unquestionably be a reasonable balance between the obligations of contracting parties under the Agreement, and the greatest possible reciprocity with regard to its application.

¹ See note on page 6.

It would, therefore, be understandable that the results of the Review, as now apparent, did not fully satisfy the expectations of the Swedish delegation at the outset. At an earlier stage, when considering the Report of Working Party II, they had expressed regret at the lack of progress in the field of tariff reductions. He hoped that the agreed procedure for future action in that sphere would lead to more substantial results. But the Swedish delegation was also concerned at the position in respect of quantitative restrictions and subsidies, and viewed with anxiety the growing tendency towards special arrangements, particularly in respect of quantitative restrictions.

Some of the industrialized and large trading nations had applied for special waivers from their obligations under the Agreement. There were also in many important countries quantitative restrictions for protective purposes, as well as for balance-of-payments reasons.

The large group of under-developed countries had successfully obtained greater flexibility for measures designed to protect their industries or to further their economic development. He did not criticize that tendency, and welcomed the fact that in large measure, the under-developed countries had secured a greater understanding for their problems. The support from the more highly industrialized countries for these legitimate aspirations was one of the most important results of the Ninth Session. A firm basis had thereby been established for fruitful and trustful cooperation between all groups within the new Organization.

Irrespective of an assessment of the necessity and realism of these tendencies, he felt they might lead to an imbalance between the obligations of the various contracting parties. The weakness of the Agreement did not seem to have been eliminated as a result of the Review. On the contrary, a situation characterized by high tariffs and the maintenance of quantitative restrictions, for whatever reasons, within the framework of waivers or other special facilities, must influence the position of countries which, like Sweden, had low tariffs, and had to a great extent abolished quantitative restrictions. His delegation had had occasion to draw attention to the exposed position of such countries on the occasion of the consideration of the Report of the Panel on Complaints regarding Italian dumping of nylon stockings into Sweden. The structure of the Agreement afforded exposed countries very few adequate means of defending themselves, and that imbalance could entail serious difficulties for them and endanger economic interests of national importance.

The Swedish Government noted with satisfaction the firm organizational framework given to the General Agreement at the present Session. The strengthening of consultations and the all-round examination of the various factors influencing a country's balance-of-payments situation provided in the amended articles was one of the most positive results of the Session. The importance of the Organization in the field of international commercial policy would largely depend on the way in which these consultations were carried through and on the spirit of understanding prevailing during such consultations in assessing the particular situations of individual contracting parties.

The Swedish Government was prepared to cooperate in an effort completely to abolish quantitative restrictions for reasons other than balance-of-payments difficulties, but on condition that other contracting parties, or at least the leading trading nations were in practice prepared to act in the same way, and by that he meant the undertakings should be put into effect at approximately the same time. If that were not possible, and this conference seemed to show this to be presently the case, provisions authorizing substantial deviations from the general rules ought to be formulated, with a view to making them applicable to all contracting parties. It was difficult for his Government to accept a system of individual waivers for some countries especially when they referred to generally prevailing situations. The willingness of the Swedish Government would in large measure be conditioned by the extent to which other countries and particularly the leading trading nations accepted and fulfilled similar obligations. If a lack of reciprocity impaired essential Swedish interests, his Government must reserve its right to take action to redress the resulting imbalance. He hoped the CONTRACTING PARTIES would give special consideration to the difficulties which contracting parties might experience as a result of such inequality. Too marked an imbalance with respect to rights and obligations under the Agreement might harm countries with low tariffs who traditionally followed a free trade policy.

The Swedish Government would judge the results of the Session against this general background and in the hope that all contracting parties would take concrete action towards establishing greater reciprocity in the field of tariffs and other obstacles to trade.

Mr. BOUCAS (Brazil) said that in the postwar period, the problems confronting governments were so vast that the need for international cooperation and continuing the efforts of the war period was almost a condition of survival. President Roosevelt, with farsighted statesmanship, conceived at that time a plan whereby not only politics would be considered from a more effective and realistic angle, but all the other basic factors in international difficulties, the technical, economic and social. Immediately after signature

of the United Nations Charter, the foundations were laid for other organizations which, in their turn, were to cover the whole domain of human activity. Within this framework, economic and trade activities had an important and decisive place and the agencies envisaged were the International Monetary Fund, the International Bank for Reconstruction and Development, the International Trade Organization and finally the World Maritime Organization.

It was unfortunate that despite the reality and urgency of the work to be carried out, or perhaps because of it, the Governments barely succeeded in accomplishing one half of the task by the establishment of the Fund and the International Bank. Despite the importance of these two agencies, which were the very basis of intergovernmental cooperation, it was clear that the economic structure of the world would never be complete, without the contribution of the second part, of the organizations which would deal with international trade: the International Trade Organization and the World Maritime Organization.

In 1947 at Havana, every effort and every hope was directed towards the establishment of the trade organization. At the time, it was decided to defer until later the plans for a maritime organization, since it seemed it was at that stage beyond the means of governments to carry out those two schemes simultaneously. Despite all technical difficulties, and divergent interests, it was clear, from the chaotic situation left as an aftermath of the war, to all Governments present at the Havana Conference, that these efforts were indispensable. The most elementary political wisdom therefore dictated the need for a reasonable compromise to bring into operation an organization which would apply principles of international trade and thus enable the world to revert to a normal phase of trading, and to avoid the fluctuations and disastrous consequences which would doubtless ensue, if uncoordinated international activity and free competition were allowed full play. These efforts produced the Havana Charter. That document was a sort of code and summary of the hopes of all countries which were desirous of devoting their efforts to the common task in order to improve standards of living.

But pressure of events and the need for urgent action to prevent the conquest of markets through uncontrolled competition, convinced the governments of the need to anticipate the entry into force of the principles of the Charter. This depended upon constitutional ratification by each country, and corresponded to the introduction of a multilateral and open policy, in place of the traditional and bilateral diplomacy which ensured the governments of wider possibilities of manipulation. The General Agreement on

Tariffs and Trade was the result. But it was clear - at all events to the Government of Brazil - that that Agreement to which it had been a party since its inception, was only provisional and partial, pending the establishment of the international trade organization, which would attain the objectives set out in the Havana Charter. This provisional character appeared to have been forgotten. The reasons were the inability of governments to subscribe to and apply the principles of the Havana Charter, and later the recognition that the GATT, despite its limitations and deficiencies arising out of its provisional character, had nevertheless been able to render incalculable service.

Yet, a close attention to the practical application of the General Agreement, to the difficulties of governments and the lacunae in the Agreement which disregarded many aspects requiring complementary action by governments, made it clear at the Eighth Session in 1953, that the instrument should at least be improved, and that certain defects, due mainly to its provisional character, ought to be corrected.

The work of the Review had now been completed. The Brazilian delegation which in 1953 had emphasized the need for that Review, was convinced that this work had been indispensable; proof of that might be found in the contribution which all members of the Organization had made to the work of amending the Agreement.

The present day seemed to show the need for intergovernmental cooperation to be more urgent than ever. The Brazilian delegation trusted that this time the work of the experts would be ratified by the parliaments, thus bringing into effect the new principles of the amended Agreement. If once again this proved impossible, and the disastrous failure of the Havana Charter were repeated, it seemed to them that the party advocating the solution of international trade problems by government cooperation on multilateral bases should be definitively abandoned and there should be a reversal to traditional and bilateral diplomacy, and a resumption of freedom and independence of action, which would without doubt merely aggravate an already difficult, if not critical situation.

To those members of the Brazilian delegation who had followed all the conferences since the beginning and contributed to the efforts to reach tangible results, one thing was clear. If the United Nations in the political field, and the other technical, economic, social and financial agencies had not fully succeeded in overcoming the difficulties and solving the problems which had brought humanity to a turning point, at least the interdependence of the solution of these problems and the absolute necessity for international cooperation had been made indisputable. Only insignificant results or almost

inevitable failure could be the result of a separate approach to them. Consequently the Brazilian delegation hoped that the new Organization would be placed on a definitive basis as soon as possible.

In conclusion, he wished to recall that the GATT, whose duration had been scheduled for not more than two years, was now seven years' old and would remain in force for some two years more. The problems for governments as a result of this fact would require some settlement to enable them to continue their cooperation. Brazil hoped these views would be sympathetically and favourably considered by contracting parties especially those who, by reason of their economic and commercial magnitude, bore the greater share of responsibility in complying with and carrying out the principles and rules of the General Agreement. That would enable his Government to occupy within the CONTRACTING PARTIES a more equitable position - an essential condition for participating in and enjoying the advantages of the GATT, the greatest of which was international order based on principles of non-discrimination.

The CHAIRMAN expressed the thanks and appreciation of the CONTRACTING PARTIES to the Legal and Drafting Committee and its Chairman for their arduous task and the time and effort they had devoted to it.

He then made a closing statement which has been distributed in document L/348.

Mr. BROWN (United States) expressed the thanks and admiration of all the contracting parties for the Chairman's skill in conducting the Session, which had contributed so largely to its success.

The CHAIRMAN declared the Ninth Session closed.

The meeting adjourned at 8 p.m.

RECORD OF SPECIAL MEETING HELD ON TUESDAY, 8 MARCH AT 10.30 a.m.

to adopt the Decision relating to the Protocol amending Part I and Articles XXIX and XXX, approve the Declaration on the Continued Application of the Schedules, to hear a statement by the Chairman of the Legal and Drafting Committee and to discuss the Press Communiqué.

1. Decision relating to the acceptance of the Amendments contained in the Protocol amending Part I and Articles XXIX and XXX (W.9/244 and Corr.1)

The CONTRACTING PARTIES adopted this Decision unanimously.

2. Declaration on the Continued Application of the Schedules (L/347/Rev.1)

Mr. JHA (India) expressed concern at giving contracting parties the option to sign the Declaration in respect of the whole or in respect of paragraph 1 only. If many countries exercised this option, recourse to the procedures of paragraph 2 would not be available to a number of contracting parties who might wish it. The difficulties that countries might have in signing the Declaration lay, in fact, with the provisions of paragraph 1 and there was no indication that, if a country could sign in respect of paragraph 1, it would be unable to do so in respect of paragraph 2. He proposed that the Declaration be made subject to acceptance as a whole since this would result in more equitable treatment among contracting parties, and, to this end, the deletion of the last two lines of the fifth paragraph from the end.

This view was supported by the delegates of Brazil, Cuba, Canada, The Netherlands and the United Kingdom.

Mr. ANZILOTTI (Italy) observed that in Torquay they had had a similar problem with countries (like his own) which required parliamentary approval for signature of the Declaration. This had been solved by a procedure whereby the Government was committed pending a decision of parliament. Perhaps this precedent could be used to solve the present question.

Mr. BIMBAS (Greece) referred to his previous remarks (page 2).

Mr. REISMANN (Canada) suggested that the date of 1 July for the last date to sign, meant that it might well be impossible for countries to know before signing the Declaration the intentions of other contracting parties as to withdrawal or modification of concessions.

Mr. JHA (India) observed that, while theoretically true, the procedures necessary for tariff negotiations meant that, in fact, notification of most negotiations would have occurred well before the expiry of the date for signing this Declaration.

The representatives of Canada and the United States observed that their Governments might well wish to wait until nearer the end of the period for signature, in order to assure themselves of the extent to which other countries intended to resort to their rights to withdraw or modify concessions.

Mr. CIJULOW (Uruguay) reserved the position of his Government on the Declaration.

Mr. HAGUIWARA (Japan) requested clarification of the position of Japan with respect to the Declaration. Firstly, they did not at this point know which of the countries with whom they were negotiating would sign the Declaration and if any failed to sign and invoked Article XXVIII their negotiations would have no practical significance. Secondly, during the interim period between the end of the negotiations and the accession of Japan the provisional Schedules annexed to the Declaration relating to commercial relations between the contracting parties and Japan would remain in effect. If any country should wish to renegotiate any of these items Mr. Haguiwara felt that this Declaration should be applicable between such countries and Japan. Finally, would some provision be made for Japan to sign the Declaration once it had become a contracting party.

The DEPUTY EXECUTIVE SECRETARY explained that the situation in principle was the same as had existed at the time of the Torquay negotiations when a number of countries were in the process of becoming contracting parties and a similar declaration was adopted. During the negotiations which Japan was presently carrying on it could settle directly with the contracting party concerned any question of withdrawal or modification of concessions. As to the Schedules annexed to the Japanese Declaration, the advantages granted by the present Declaration would extend to them automatically. Finally, the matters covered in the Declaration would be covered in the Protocol whereby Japan became a contracting party and it would thus be unnecessary to make special arrangements for Japan to sign the Declaration itself.

Mr. HAGUIWARA (Japan) expressed himself satisfied with this explanation.

The CONTRACTING PARTIES approved the Declaration, as amended in accordance with the suggestion of the Indian representative.

3. Statement by the Chairman of the Legal and Drafting Committee .

Mr. PEREZ CISNEROS, Chairman of the Legal and Drafting Committee, said that the Legal and Drafting Committee had been requested by the Cuban delegation to consider the question of whether a waiver could be granted by two-thirds of the contracting parties from the obligations of Articles of the Agreement which required unanimity for their amendment. The Legal and Drafting Committee had been unable to find time to examine this question and proposed that it be studied at the Tenth Session.

It was agreed that this matter should be included as an item on the Agenda of the Tenth Session.

4. Press Communiqué

It was agreed that a press communiqué announcing the end of the Session would be issued immediately, as well as the usual communiqué dealing with the Ninth Session business that was issued at the close of each Session of the CONTRACTING PARTIES. A full and objective communiqué on the Review would be issued in two weeks time, at 10 p.m. on 21 March 1955.

The meeting adjourned at 12.30 p.m.

