

GENERAL AGREEMENT ON TARIFFS AND TRADE

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SUMMARY RECORD OF THE FIFTEENTH MEETING

Held at the Palais des Nations, Geneva,
on Tuesday 13 November 1956, at 10 a.m.

Chairman: Sir Claude COREA (Ceylon)

- Subjects discussed:
1. Central American Free-Trade Area (continued).
 2. Rhodesia and Nyasaland Tariff (continued).
 3. French Special Temporary Compensation Tax on Imports (continued).
 4. Report of Working Party on Australia/Papua-New Guinea Waiver.
 5. Report of Working Party on European Coal and Steel Community Waiver.
 6. Report of Working Party on Brazilian Tariff and Schedule.
 7. Report by the Chairman of ICCICA.

1. Central American Free-Trade Area (continued) (W.11/24)

The CHAIRMAN recalled that at the tenth meeting of the Session, many delegates had expressed sympathy and support for the Government of Nicaragua in its desire to participate in a free-trade area arrangement among the Republics of Central America. It had been generally considered that the draft Free-Trade Area Treaty, which had been submitted to the five Governments for approval, together with other steps which the Government of Nicaragua proposed to take, might be expected to lead to the establishment of a free-trade area in the sense of Article XXIV. As a result of discussions among contracting parties particularly interested in this question, it seemed that agreement could be reached on the action to be taken by the CONTRACTING PARTIES. Accordingly, a draft decision had been distributed in document W.11/24, wherein the CONTRACTING PARTIES would take note of the determination of the Government of Nicaragua to complete the formation of a Free-trade area within a period of ten years, to furnish an annual report on progress achieved in this direction and to submit within four years a definite plan and schedule for the completion of the free-trade area.

Mr. PORTOCARRERO (Nicaragua) said that his delegation had studied very carefully the draft decision concerning the request by his Government for approval, in terms of paragraph 10 of Article XXIV, of the proposal for the establishment of a free-trade area tending to the formation of a customs union between the five republics which had once constituted the Federal Republic of Central America. His delegation had taken note of the observations made concerning the precise interpretation of the provisions of the General Agreement. With a view to meeting the wishes of the contracting parties, his Government would not hesitate to accept commitments, but clearly could not commit the other four republics. The economic integration programme was essentially based on two facts: first, an historical community which had disintegrated about 100 years ago now sought to be reconstituted, and secondly, five poor countries with their sparse populations and limited markets could make progress only through integration. He hoped that these two facts would help the contracting parties to understand the importance which Nicaragua attached to this project. Economic integration in Central America would benefit all contracting parties by increasing trade. He suggested that the Intersessional Committee might deal eventually with the applications, referred to at the tenth meeting of the Session, for bilateral free-trade treaties between Nicaragua on the one hand and Costa Rica and Guatemala on the other.

Mr. CORSE (United States) said that his Government supported the proposed decision affording the Government of Nicaragua the benefits of the provisions of Article XXIV relating to the formation of a free-trade area, for such decision would constitute another example of the realistic appraisal of problems, on the basis of their individual merits, by the CONTRACTING PARTIES. Proposals of this character were of the utmost importance to all and his Government would always wish to examine each such project with great care. It was noted that the decision called for a review of the progress made towards the establishment of a free-trade area, as decisions should do in each such case.

Mr. POLLARD (United Kingdom) supported the proposed decision and hoped that it would help the countries concerned to make progress in their economic development.

The CONTRACTING PARTIES approved, by thirty-one votes in favour to none against, the draft decision recognizing that the Government of Nicaragua was entitled to claim the benefits of the provisions of Article XXIV, relating to the formation of free-trade areas. It was agreed that any free-trade area arrangements developed by Nicaragua with Costa Rica and Guatemala before the Twelfth Session could be submitted to the Intersessional Committee for action under the standing intersessional procedures.

Mr. PORTOCARRERO (Nicaragua) thanked the CONTRACTING PARTIES for the confidence they had shown. His Government had thought that the proposal would be accepted without conditions, but as a contracting party in favour of any form of international cooperation, it was prepared to accept any commitments coming within the spirit of the General Agreement. He was fully convinced that the commitments which his Government had undertaken under the Decision would be fulfilled because the peoples of Central America were for the first time tackling the problem of the reconstitution of the Federal Republic of Central America in a realistic way. The ultimate objective was not the formation of a free-trade zone, nor even a customs union, but a full political union.

2. Rhodesia and Nyasaland Tariff (continued)

The CHAIRMAN recalled that when this question was discussed at the twelfth meeting a form of words had been proposed by the Chairman for inclusion in the summary record to record the agreement of the CONTRACTING PARTIES that the action proposed by the Federation of Rhodesia and Nyasaland in applying the tariff of the Federation uniformly to all imports into the Federation could be deemed as coming within the terms of the Decision of the Tenth Session. The representative of Chile had suggested that some time for reflection should be allowed and that the question should come up again at a subsequent meeting. The following draft resolution had now been prepared for approval:

"HAVING CONSIDERED the request of the Government of the Federation of Rhodesia and Nyasaland and in the light of the further explanations and assurances given by the representative of the Federation in the course of the discussions at the fifth and twelfth meetings of the Eleventh Session,

"THE CONTRACTING PARTIES

"RESOLVE that the action proposed by the Government of the Federation of Rhodesia and Nyasaland to apply the tariff of the Federation, including the tariff preferences therein, uniformly over the whole area of the Federation, shall be deemed to come within the terms of the Decision of 3 December 1955 relating to the completion of adjustments in the tariff of the Federation and that any action taken by the Federation in this respect should accordingly be subject to the procedures of that Decision."

Mr. BERTRAM (Federation of Rhodesia and Nyasaland) thought that it might be helpful if he further elaborated on the type of adjustment his Government was contemplating. The extension of the normal tariff to the Conventional Area would make that area subject to a preferential tariff régime. At the same time, however, with the reduction of preferences indicated in L/519, the general level of preferential margins throughout the Federation would be reduced. His Government appreciated that it would not be fulfilling the requirements under which its tariff had found acceptance with the CONTRACTING PARTIES if particular regard were not given to the question of preferential levels; it also appreciated that the CONTRACTING PARTIES would find it most satisfactory if the adjustments resulted in a lowering of the preferential levels, as was the case with the main tariff itself, relative to the tariffs existing in Northern and Southern Rhodesia before the Federation was established. As previously indicated the reductions in preferential margins set out in L/519 were on those items which it was felt would have a comparatively wide general appeal and would cover a value of trade roughly equivalent to the value of trade in the Conventional Area which would be affected by a preferential régime. In this connexion he pointed out that the comparison quoted by the representative of the Kingdom of the Netherlands was not incorrect for the year he had studied but statistics of other years, particularly the trend during 1956, would show that there was a rough arithmetical balance in the proposals.

The Shire Valley project, which had been referred to previously as a gigantic hydro-electrical project to cost more than £100 million was in actual fact still in the stage of preliminary investigation. The primary object was the stabilization of the level of Lake Nyasa and the control of the river flow, and at present there appeared to be no justification for a major hydro-electric project. In any event, under the present circumstances, his Government was not contemplating an expenditure of more than £8 million on the project, and of this not more than £1 million would represent imported materials. On the other hand the big hydro-electric scheme at the Kariba Gorge on the Zambesi river would promote early and rapid development in the non-Conventional Area of the Federation which was where his Government was offering reductions in preference.

However he had endeavoured to make it clear that his Government was not standing purely on an arithmetical balance and it was appreciated that the interests of several countries were affected and his Government was anxious to consult with them in order to arrive at a satisfactory compensation by means of reductions in preferential margins in items of particular interest to them. This would inevitably mean a further reduction in the general level of preferences throughout the Federation. The reductions which are made on particular items concerned would, of course, apply over the whole of the import trade of the Federation and not only to a part thereof.

During the previous discussion there was an appreciation of the practical difficulties of administering the separate tariff regimes. However, the problem was not simply administrative, but also economic. It was true that the Conventional Area of the Federation had, as far as was known, no great mineral resources such as had been responsible for the development in Southern Rhodesia and the western province of Northern Rhodesia, but there was little doubt that a closer integration of its economy with that of the more prosperous parts of the Federation would help its development. Even though it remained predominantly agricultural, there should be a steady improvement in the standards of living. This type of economic integration had met with enthusiasm during the present session. He expressed the hope, therefore, that the resolution suggested by the Chairman would be accepted by the CONTRACTING PARTIES.

The CONTRACTING PARTIES approved the resolution by thirty-one votes in favour and none against.

Mr. CORSE (United States) recalled that when the matter was discussed at the twelfth meeting the Chairman had made a statement to the effect that no action taken under the General Agreement could legally affect rights and obligations under another international instrument. Although he did not wish to start a debate on international law, he felt that he should make it clear that, in the light of special domestic discussions regarding treaties and other international agreements in the United States, and in view of some disagreement on the point that had been raised by the Chairman at the twelfth meeting, his delegation had felt it necessary to abstain from the vote which had just taken place.

3. French Special Temporary Compensation Tax on Imports (continued) (L/585)

The CHAIRMAN said that at the thirteenth meeting of the Session the CONTRACTING PARTIES had agreed that a draft decision be prepared, reaffirming the previous decisions on this subject and taking into account the views expressed during the discussion. A draft had been distributed to contracting parties in document L/585.

Mr. SWAMINATHAN (India), referring to page 127 of document SR.11/13 said that his delegation had requested the French Government to remove the tax on items which had been bound under the General Agreement and on items which were imported chiefly from countries to which the OEEC liberalization measures did not apply. His delegation wished a slight amendment to be made to the draft decision to take account of this request.

Mr. AUGENTHALER (Czechoslovakia) supported the amendment proposed by the Indian delegate.

Mr. STANDENAT (Austria) thought that from a logical viewpoint there existed a slight contradiction between the paragraphs commencing with "TAKE NOTE" and "EXPRESS the hope", for in the first paragraph the CONTRACTING PARTIES took note that substantial progress could not be expected until the alleviation of the special difficulties and in the second they expressed the hope of progressive reduction and elimination of the tax. He wondered whether it was necessary to include in the decision the reference to the statement by the French Government for it only repeated arguments which had been brought up at the plenary meeting and which were recorded in the summary record.

The EXECUTIVE SECRETARY said that the drafting of the decision was rather complex because of the incorporation of references to certain previous Decisions which were expressly reaffirmed as, for instance, the Decision of 17 January 1955. This Decision dealt in a specific way with the question of the removal of the tax on products which did not benefit from the liberalization measures. In view of certain interventions made at the meeting, it might be desirable to make some drafting changes in order to clarify certain points but in that case it would be preferable to postpone the adoption of the decision to a later meeting and to consider the amendments with attention in the light of the careful legal formulation of the draft decision.

Mr. ROCHEREAU (France) thought that the draft proposed by the Chairman precisely described the existing situation. He did not see any contradiction between the paragraphs commencing with "TAKE NOTE" and "EXPRESS the hope"; the one was merely the direct consequence of the other. One paragraph recalled the statement made by Mr. Philip when he had depicted the present conditions of the French economy and the reasons for maintaining the tax and the following paragraph expressed the hope that the tax would be reduced and eliminated as early as possible and that in the meantime it would be reduced on a number of items on which it had remained constant for a number of months.

The text seemed perfectly clear and did not require any modification. His delegation was always prepared to give consideration to any observations, but thought that the text of the second last paragraph referred to the products which had been mentioned by the Indian delegate.

The CONTRACTING PARTIES decided to defer consideration of the matter to a later meeting.

4. Report of Working Party on the Australia/Papua-New Guinea Waiver (L/584)

Mr. GRANDY (Canada) elected Chairman of the Working Party after the departure of Mr. Hockin, introduced the report. He said that the Working Party had been faced with the problem of authorizing action by the Government of Australia on several items that could not be considered "primary" products in the sense of the Decision of 24 October 1953. As a consequence, the Working Party had examined two courses of action; whether to add these items to the list covered by the supplementary waiver granted by the CONTRACTING PARTIES in their Decision of 25 November 1955, or to amend the provisions of the 1953 waiver. The Working Party considered that the latter course was preferable. He thought a satisfactory solution had been found in the Working Party's recommendation that the terms of the Decision of 24 October 1953 should be amended to include products from the Territory of Papua-New Guinea substantially derived from primary products.

Mr. JOCKEL (Australia) recalled that his delegation had suggested the deletion of the word "primary" from the terms of the Decision of 24 October 1953, but said that the solution proposed by the Working Party was satisfactory to his Government.

The CONTRACTING PARTIES adopted the Third Annual Report submitted by the Government of Australia and approved the amendment to the Decision of 24 October 1953 by thirty votes in favour, none against.

5. Report of Working Party on the European Coal and Steel Community Waiver (L/583)

Mr. TAHA CARIM (Turkey), Chairman of the Working Party, introduced the report. He said the discussions had been carried out in a frank manner and had enabled the Working Party to come to a complete understanding on the problems involved. He expressed his appreciation to the representatives of the High Authority for their collaboration. Referring to the hopes expressed by several members for further statistical data, he said that such requests should be submitted to the secretariat who would then contact the High Authority.

Mr. ELVINGER (Luxemburg), speaking on behalf of the Member States, said that the six Governments were pleased to have been able to secure a better understanding of their problems and difficulties.

Mr. GUNDELACH (Denmark) said that the discussion in the Working Party had been very useful and had contributed substantially to an understanding of the problems involved.

Mr. STANDENAT (Austria) thought the Working Party had submitted a very useful and instructive report. He drew attention to paragraph 10 which referred to the increasing difficulties experienced by Austria in securing an adequate supply of coal from the Community and to the exchange of views that had taken place which might lead to an improvement in the position. He hoped that he could inform the CONTRACTING PARTIES, at the Twelfth Session, of the results of the discussions. Another question left pending between the Austrian and Italian Governments with respect to tariff quotas was referred to in paragraph 31; bilateral discussions were taking place but would not be concluded before the end of the present session. He hoped these negotiations would lead to a satisfactory conclusion and he would inform the CONTRACTING PARTIES of the results obtained at the Twelfth Session. His delegation would have preferred some reference to export statistics for different types of coal in paragraph 33, but, as the Chairman of the Working Party had suggested, they would approach the secretariat on this matter.

Mr. SWAMINATHAN (India) said the report contained an excellent critical analysis. His delegation had particular satisfaction in noting that the last of the price differentials for steel exports to various destinations had been abolished as from 19 October 1956 and that the new uniform price was lower than before. He expressed the hope that the High Authority would use its influence on member States to work for the common good of the Community and importing countries alike.

Mr. OSMAN ALI (Pakistan) supported the remarks made by the representative of India on the abolition of the system of price differentials for steel exports and hoped that every endeavour would be made by the Community to export their products at minimum prices. He referred to the statement in paragraph 23 of the report that there was no guarantee that the minimum export prices would still be applied when the sale was not made directly to the foreign user in a third country, but to an importer; he expressed the hope that when government departments purchased steel for developmental purposes, as was often the case in Pakistan, then minimum prices would be charged.

Mr. HAGEN (Sweden) joined other delegates in expressing appreciation of the report, and of the contribution of the representative of the High Authority to the working party discussions.

The report of the Working Party, including the recommendations contained therein was adopted. The representative of Czechoslovakia asked that his abstention be recorded.

The CHAIRMAN thanked the representatives of the High Authority and the Community for their collaboration.

6. Report of the Working Party on Brazilian Tariff and Schedule (L/561)

Mr. FORTHOMME (Belgium), Chairman of the Working Party, presenting the report of the Working Party, said that it was well documented and threw light on all aspects of the question; it included the report of a Sub-Group which had been established to study the technical aspects of the problem. It should be noted that the Report, and especially the annex, were highly confidential. The fact that it had not been possible to envisage recourse to negotiations of the type provided for by article XXVIII showed that it had been the intention of the Working Party to meet the wish of the Brazilian Government to take the proposed measures without delay in the light of the present situation in Brazil. Further, an evaluation of the old concessions in terms of the new tariff would have taken considerable time and would probably have led to the conclusion that it was impossible to establish an equivalence in many cases. As the measures were not covered by the provisions of the Agreement, it had been necessary to submit a draft decision, which created, in a sense, the necessary GATT legislation, to permit a solution adapted to the particular case. The preamble to the decision contained the reasons and motives determining the measures to be taken by the CONTRACTING PARTIES in the operative part. Paragraph 1 of the decision provided for a period of, in principle, one year, which might later be prolonged, for negotiations to establish a new schedule of Brazilian tariff concessions. This trial period would also make it possible to assess the effects and incidence of the new tariff in application. Paragraph 2 provided for the protection of the interests of contracting parties in this interim period, whereas under paragraph 3 the CONTRACTING PARTIES would be enabled to re-examine the position of the new tariff in the light of the results of the negotiations. Paragraph 4 set up the necessary machinery to give effect to the results of the negotiations and to incorporate them in the schedules attached to the Agreement, and finally provision was made for the institution of a Tariff Negotiations Committee to assist in the conduct of the negotiations. It had been foreseen that this Committee might establish sub-committees or committees of alternates and he suggested that a committee of alternates might perhaps be formed in Rio de Janeiro, composed of the commercial representatives of the various countries, to study the effects of the new tariff in Brazil itself.

Mr. HAGEN (Sweden) expressed concern that the Brazilian tariff reform would result in a considerable increase of the tariff level without eliminating the auction system. Although this system had been approved by the International Monetary Fund he felt that it was not compatible with the principles of the Agreement. On the basis of the assurances given by the Brazilian delegation he would, however, be prepared to agree to the proposed solution if other contracting parties were in favour of it.

Mr. de la FUENTE LOCKER (Peru), referring to the statement of the Brazilian Minister of Commerce and the explanatory statements of the Brazilian delegation, thought that the report contained the information necessary for a decision to be taken on the proposed measures, and he had been instructed to support it. The attitude of his Government was based on the conviction that the reform was justified by the economic position of Brazil and could not

be delayed. His Government reserved the right to obtain compensation for concessions which would disappear with the application of the new tariff, but it would not exert pressure on the Brazilian Government by invoking Article XXVIII at the present stage; it would first await the results of the measures before taking any steps in this direction. He hoped that the proposed reform would be successful and was grateful for the frankness and co-operation shown by the Brazilian Government.

Mr. GRADIN (Canada) thought the recommendation of the Working Party provided a satisfactory solution to a difficult problem. His Government attached importance to the assurances given by the Brazilian delegation and hoped that the tariff reform and the other changes, and also the negotiations, would be effectively carried out. He regretted that it had not been possible to find a solution in conformity with the principles of the Agreement, but he appreciated the difficulties and the efforts of the Working Party to safeguard these principles when drafting the decision. His Government could agree to this decision because of the special circumstances, but he would emphasize that this should not constitute a precedent.

Mr. SWAMINATHAN (India) said that his Government sympathized with the position of the Brazilian Government and would be able to accept the proposed solution.

Mr. ROCHEREAU (France) said his delegation recognized the exceptional character of Brazil's position and supported the solution which had been found for this difficult problem. It had noted the assurances of the Brazilian delegation that the measures would not distort the pattern of Brazil's foreign trade. France was prepared to enter into negotiations, but considered that these should be held only after a trial period to permit an assessment of the results of the new tariff.

Mr. STANDENAT (Austria) said that Austria had followed with sympathy the efforts of the Brazilian Government to put their system of foreign trade on a multilateral basis. His delegation understood that the new tariff formed a part of the reforms to this end and was, therefore, in favour of the draft decision. He thought that the tariff negotiations provided for would reaffirm the stability of Brazil's import system, and Austria would wish to take part in these negotiations.

Mr. GARCIA OLDINI (Chile) said that, in view of the difficulties involved, the proposed Brazilian reforms represented a test case for the Agreement, but experience had shown that the GATT was capable of resolving such problems. With good will on all sides it had been possible to find a solution which, although it went beyond the letter of the Agreement, kept within its spirit, as it took into account the realities of the situation. It had been pointed out that the decision recommended by the Working Party should not be considered as a precedent, and he agreed with this view as far as the actual procedure followed was concerned. On the other hand, he hoped that the understanding shown by the CONTRACTING PARTIES and the

efforts made by them to overcome the technical, legal and procedural difficulties and to find a solution to the basic problem would constitute a precedent. The decision was realistic as it laid down a flexible approach whilst at the same time safeguarding all the interests involved. If the same spirit of understanding were shown with regard to implementing the decision, the CONTRACTING PARTIES could be well satisfied with the action they had taken.

Mr. VARGAS GOMEZ (Cuba) said that his Government was glad that a satisfactory solution to this problem had been found as it sympathized with Brazil in its economic difficulties. A more lengthy statement would be made later.

Mr. CORSE (United States) expressed his appreciation of the way in which the Brazilian Government had approached the problem and agreed with the Chilean representative that this case illustrated the capacity of the CONTRACTING PARTIES to find solutions to difficult questions. In the exceptional circumstances of the case he thought the solution suggested by the Working Party was satisfactory and his delegation would recommend acceptance of it to the United States Government.

Mr. AZIZ AHMAD (Pakistan) supported the recommendation of the Working Party as it took fully into account the interests of Brazil and of other contracting parties.

Mr. PORTOCARRERO (Nicaragua) also supported the recommendation which, he said, provided a satisfactory solution to the problems of underdeveloped countries.

Mr. MARTINEZ (Cuba) said that if the decision which his Government supported were implemented in the same spirit of co-operation as had animated its drafting, it would contribute to strengthening the objectives of the General Agreement. Many underdeveloped countries were facing economic difficulties similar to those encountered by Brazil which were compelling the governments of those countries to modify their existing legislation, especially in the tariff field. In the negotiations to be initiated by Brazil, and by other contracting parties in similar circumstances in the future, the traditional concepts concerning the equivalence of concessions should be modified to take into account the inequalities in the economies and commercial position of the countries involved. Only in this way would underdeveloped countries be enabled to find a solution to their economic difficulties. He hoped that the CONTRACTING PARTIES would devote renewed energies to the objectives of raising standards of living and developing the full use of the world's resources.¹

¹ The full text of Mr. Martinez's statement is reproduced in L/602.

Mr. BARROZA-CARMEIRO (Brazil) said that he would not wish to await the result of the vote on the draft decision before thanking the Working Party and Sub-Group, and in particular their Chairmen, for their co-operation and understanding. The solution found was fully satisfactory to Brazil, as it took into account the need of his country to adjust its economic position. Brazil was a loyal trading partner, the future of which, in view of its possibilities for expansion and for absorbing increasing quantities of foreign products, was not in doubt. If the CONTRACTING PARTIES approved the decision, he hoped the committee of alternates, referred to by the Chairman of the Working Party, which might be constituted in Rio de Janeiro, would include the Scandinavian countries, so that the Swedish delegation, as a result of its observations of the effects of the reforms, would feel justified in having given a favourable vote.

It was agreed to defer the vote on the draft decision and the adoption of the Report, as some delegations were still awaiting instructions.

7. Report by the Chairman of ICCICA

Sir Claude COREA, nominated by the CONTRACTING PARTIES as Chairman of ICCICA in November 1955, reviewed the important developments that had taken place in the field of international commodity problems during his term of office. Two important commodity agreements had entered into force - the International Wheat Agreement and the International Tin Agreement. He also described recent developments with respect to particular commodities, especially sugar, cocoa and coffee. He concluded by referring to a section in the ICCICA Report, "1956 Review of Commodity Problems", which pointed to the benefits which would result if countries substantially interested in commodity trade were to recognize the benefits to be derived from international co-operation on a broad basis.¹

The representatives of Australia, Belgium, Brazil, Chile, Czechoslovakia, Dominican Republic, France, Germany, India, Luxemburg, the Netherlands and the United Kingdom expressed their appreciation to the Chairman for having presented such an informative report. A suggestion by Mr. VALLADAO (Brazil) that the presentation of a report by the Chairman of ICCICA should become a permanent feature on the agenda of the regular sessions of the CONTRACTING PARTIES received the support of many representatives. Mr. GARCIA OLDINI (Chile) suggested that such annual reports should be distributed in advance so that the details could be studied closely before the discussion. Mr. VALLADAO (Brazil) said the contracting parties should take the work of ICCICA into account when dealing with commodity problems in the GATT. Mr. PRIESTER (Dominican Republic) said that, under Sir Claude Corea's chairmanship,

¹ The full text of Sir Claude Corea's Report is reproduced in L/594.

ICCICA had performed useful work, and he referred to the renewal of the Sugar and Wheat Agreements as milestones in the development of inter-governmental co-operation in the commodities field.

Sir Claude CORREA (Ceylon) expressed his gratitude for the appreciative remarks made by many representatives and said that, since the CONTRACTING PARTIES nominated the Chairman of ICCICA it was desirable that they receive a report each year on the Committee's activities. It could be assumed that the presentation of a report would be a regular item on the Agenda of the CONTRACTING PARTIES.

The meeting adjourned at 12.30 p.m.