

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED
LIMITED 3
CP.6/W/23
19 October 1951
ORIGINAL: ENGLISH

CONTRACTING PARTIES
Sixth Session

DRAFT REPORT OF WORKING PARTY 3 ON THE CONTINUING ADMINISTRATION OF THE AGREEMENT

The Working Party had the following terms of reference:

"To consider problems connected with the administration of the General Agreement in the light of the discussions in plenary sessions of the Contracting Parties on Item 6 of the Agenda and to submit appropriate recommendations for consideration by the Contracting Parties."

It was evident from the discussions both in the Contracting Parties and the Working Party that there was not a sufficient measure of agreement on the establishment of a Standing Committee to justify proceeding with that suggestion at the present time. There was, however, general agreement that in order effectively to administer the Agreement, provision should be made to deal with cases requiring urgent action between sessions. There was also general agreement that the work of the regular sessions could be facilitated and shortened if more extensive preparation of items on the agenda were undertaken in advance of the sessions. In these circumstances, the Working Party submits the following recommendations for consideration by the Contracting Parties.

A. Ad hoc Committee for Agenda and Intersessional Business

1. As an experimental arrangement to operate between the Sixth and Seventh Sessions, the Contracting Parties should establish an ad hoc committee for Agenda and Intersessional Business. The Committee should be presided over by the Chairman of the Contracting Parties. If the Chairman were not available to preside at any meeting, the Committee would elect a chairman for that meeting.

2. Functions of the Committee

The functions of the Committee should be as follows:

(a) Preparation of Agenda of the Seventh Session

The Committee should meet four to six weeks before the opening of the Seventh Session to consider what matters are likely to arise at that session and examine the adequacy of the documentation available. It should also meet at, or shortly before, the opening of the Seventh Session, to consider the provisional agenda and make recommendations to the Contracting Parties, in the light of the documentation submitted, as to the order of business.

(b) Urgent Intersessional Business

The Committee should meet as necessary to consider urgent matters, arising between the Sixth and Seventh Sessions and not foreseen by the Contracting Parties at the Sixth Session, which

- (i) a contracting party (or parties) raising the matter requests be so dealt with, or
- (ii) require, prima facie, to be dealt with in accordance with intersessional procedures.

3. Procedure

In respect of matters not provided for in paragraphs 4 and 5 below, and which in the opinion of the Committee required intersessional action, the Committee should establish a working party consisting of some or all of its members, together with the countries directly concerned, any countries which claim a substantial interest in the matter and wish to be represented on the Working Party, and any other countries which the Committee might consider it necessary to invite and which were willing to serve. The Working Party should examine all the relevant facts and views and submit a report thereon to the Seventh Session of the Contracting Parties. If, however, a matter were of sufficient urgency, the Working Party might request the convening of a Special Session, in accordance with the Rules of Procedure, to consider its report.

4. In respect of any matter relating to the application of Articles XII to XV of the Agreement, which in the view of the Committee required intersessional action, the Committee would make appropriate arrangements for consideration of the matter in accordance with the intersessional procedures adopted at the Third Session of the Contracting Parties, (GATT/CP.3/50/Rev.1, and GATT/CP.3/50/Rev.1). The Working Party, however, felt that it would be desirable that these procedures be reviewed and if necessary brought up to date. The Working Party did not feel that it had the technical competence to make this review and therefore requested the Chairman of the Contracting Parties to entrust this task to Working Party 6 on Balance-of-Payments Restrictions.

5. Matters relating to Article XVIII of the Agreement should continue to be referred direct to the Intersessional Working Party appointed at the Third Session (GATT/CP.3/60/Rev.1 & 2). In view of subsequent changes in the composition of the CONTRACTING PARTIES the Working Party considered that the composition of the Intersessional Working Party should be revised as follows:-

✓ recommendations will be submitted by the Chairman to the next meeting of the Working Party ✓

6. Meetings of the Committee

The Committee should meet in Geneva on the call of the Executive Secretary. Contracting parties, not members of the Committee or of an

intersessional working party would, in accordance with the practice of the Contracting Parties, be entitled to be represented by observers at meetings of the Committee or of a working party.

7. General

The above suggestions relate only to urgent matters arising between sessions and which cannot be foreseen at the time when the Contracting Parties are in session. If, in the course of the Session, however, it comes to the notice of the Contracting Parties that a matter will arise between sessions requiring action before the next regular session, the Contracting Parties will undoubtedly take action to provide the necessary arrangements for dealing with the matter.

B. The Secretariat

The Working Party considered that it was difficult to consider more permanent arrangements for the Secretariat until the CONTRACTING PARTIES were in a position to consider permanent arrangements for the continuing administration of the General Agreement. It therefore recommends that the Contracting Parties decide that the usual functions of a secretariat continue to be carried out, pending further consideration at a later session, by the Executive Secretary of the Interim Commission for the International Trade Organisation. Such functions would include the examination of proposals submitted for the agenda of the Contracting Parties and the submission of reports to the Contracting Parties. The Working Party further recommends that contracting parties should make appropriate arrangements to facilitate the task of the Secretariat. For example, governments which are at a considerable distance from the headquarters of the Secretariat might consider the desirability of designating a representative, stationed near the headquarters of the Secretariat, who would, subject to instructions by his government, be able to discuss with the Secretariat points arising in the preparation of such reports. If this procedure were not convenient or appropriate in particular cases, the governments concerned might make other arrangements for close liaison and speedy communication between themselves and the Secretariat.

C. Cooperation with the United Nations and avoidance of duplication of work

The Working Party considered the proposal made by the delegation of the United States (GATT/CP.6/13/Add.1) regarding cooperation with the United Nations and avoidance of duplication of work. The Working Party considered that the Contracting Parties had not hitherto experienced any serious difficulties from the lack of any definite arrangements between them and the Economic and Social Council of the United Nations for intercommunication and the avoidance of unnecessary overlapping between the two parties. This had been due in considerable measure to the expectation that the Havana Charter would in due course, enter into force, and the consequent reluctance which the Economic and Social

Council had in general shown to giving any detailed consideration to questions which would eventually have been dealt with by the International Trade Organisation. The Secretariat of the Interim Commission for the International Trade Organisation, as representing the interests of the proposed International Trade Organisation, had been in a position to foresee and assist in the avoidance of possible duplication of activities.

In the new circumstances created by the fact that the entry into force of the Havana Charter must be regarded as indefinitely postponed, it seemed to the Working Party that it would be desirable to examine the question whether there was a need for more clearly defined arrangements between the Contracting Parties and the Economic and Social Council to facilitate communication between the two bodies and avoid unnecessary duplication of international activities in the field covered by the General Agreement. The Working Party, therefore, recommends that the Contracting Parties instruct the Executive Secretary to consult with the Secretary General of the United Nations on this subject and report to the Seventh Session.⁷

D. Headquarters of the Secretariat

⁷In order to enable the major part of the Working Party's report to go forward for consideration by the CONTRACTING PARTIES, it is suggested that this topic be covered in a supplementary report to be drawn up at a subsequent meeting on the basis of the results of consultations which the Chairman is at present having with the authorities concerned⁷.