

# GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

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## IMPORT RESTRICTIONS OF THE FEDERAL REPUBLIC OF GERMANY

### Note Verbale transmitted by the Federal Government

At the Twelfth Session the CONTRACTING PARTIES approved a report drawn up by a working party consolidating the views expressed by contracting parties on Germany's import restrictions for transmission to the Federal Government (L/768 and Corr.), and decided to postpone consideration of further action until the meeting of the Intersessional Committee in April 1958. During the discussion the representative of Australia requested that the Government of the Federal Republic of Germany provide his Government, and any other contracting parties which might associate themselves with this request, with its views on the maintenance of the restrictions, not later than 28 February 1958 (SR.12/22).

By letter dated 3 March 1958, the Federal Government has advised that it has transmitted to the Embassies in Bonn of Australia, Canada, the United Kingdom and the United States a Note Verbale, of which the substantive text is as follows:

"The Federal Government has carefully considered the result of the Twelfth GATT Session and thoroughly examined the views presented by the various delegations. The Federal Government has the honour to communicate its position as follows.

"The Federal Government would like to refer to the statements relating to its import policy made by the German delegation at the Twelfth GATT Session. In these statements the various reasons were explained which compel the Federal Republic of Germany at present to retain certain controls of, and restrictions on, a part of its imports. The Federal Government will give further explanations and reasons for its standpoint on the resumption of the discussion of this question at the meeting of the GATT Intersessional Committee in April 1958. In response to the request expressed by various contracting parties to GATT, it will submit in particular a thorough explanation of its attitude to the German laws on market organization. The Federal Government takes the view that in accordance with the Torquay Protocol it is justified in applying the import controls required under the market organization laws.

"Apart from the import restrictions which are applied in the Federal Republic under the said market organization laws, only relatively few import restrictions remain - affecting about 7 per cent of German imports.

"The CONTRACTING PARTIES to GATT have expressed the view that the Federal Government, if it is unable to abolish these restrictions now, should apply to GATT for a waiver in accordance with the relevant provisions of GATT. After carefully considering all pertinent reasons and facts, the Federal Government feels that this is not the proper method to adopt. For the purpose of a waiver is to provide a temporary remedy aiming at removing the restrictions again after a certain time. The Government of the Federal Republic, however, is unable at present to judge if and when there may be a prospect of removing the remaining restrictions.

"The Federal Government would like to point out again, as it already did at the Twelfth GATT Session, that it has applied the import restrictions retained by it in a most liberal manner. Imports of all these products have, without exception, steadily increased so that the contracting parties to GATT concerned have been constantly offered a favourable market in the Federal Republic. The Federal Government accordingly believes that the interests of the contracting parties to GATT have not been damaged. The Federal Government nevertheless does not intend to evade the consequences resulting from its membership of GATT and from the relevant provisions applicable in its case. Should individual contracting parties to GATT think that any specific import restrictions maintained by the Federal Republic have damaged their interests and considerably upset the balance of mutual favours, the Federal Republic will not evade any consultations which these contracting parties wish to enter into."