

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

L/2012

6 June 1963

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Original: English

URUGUAYAN RECOURSE TO ARTICLE XXIII

Communication from the Uruguayan Delegation

The attached communication, dated 16 May 1963, has been received from the Uruguayan delegation. References in the text are to the following:

- Report of the Panel of Experts (BISD, Eleventh Supplement, pages 95-148)
- Action at the twentieth session (Ibid. page 56, SR.20/13, page 220)
- Subsequent statements by seven contracting parties (L/1980 and addenda)
- Action by the Council on 1 May 1963 (C/M/15).

"With reference to the authority granted by the Council of Representatives at the session held on 1 May, I shall be grateful if you will be so kind as to arrange for a meeting of the Panel of Experts on the Recourse by Uruguay to Article XXIII of the General Agreement. We request that the Panel should consider at an early date the replies received from the seven countries covered by the findings reached by the CONTRACTING PARTIES on 16 November 1962, and make a recommendation on the degree to which there exists compliance with the invitation extended by the CONTRACTING PARTIES to the above-mentioned countries. Should the Panel find - after a study which we feel should now include the consideration of pertinent data on the production, imports and consumption of the respective products in the interested countries - that the situation which has now evolved is such that in one or more cases the recommendations of the CONTRACTING PARTIES have not been satisfactorily carried out, we would desire the Panel to reach a finding and make suggestions in the light of the final part of the Conclusions approved by the CONTRACTING PARTIES on 16 November 1962, thus maintaining the objectivity with which we have approached this matter at all times. In doing so, the Panel will no doubt wish to ascertain the prospects for an improvement in the near future, in regard to such restrictions as yet remain in force.

"With regard to the point of the CONTRACTING PARTIES' Conclusions of 16 November 1962 which refers exclusively to the sanitary regulations applicable to meat imports in five countries, we suggest the Panel should make arrangements for the consultations proposed by the CONTRACTING PARTIES, to take place. Conceivably, an initial round table meeting of interested countries would be most useful, particularly since in some cases the regulations applied in some have an effect on others.

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"We are also desirous of securing a clearer view from the Panel of Experts on the compatibility with the General Agreement of certain restrictive measures applied by the Federal Republic of Germany (see paragraph 4(b) of the Panel's report on the Federal Republic). However, it is requested that this point be held in abeyance pending bilateral consultations now taking place.

"The issues raised by the common agricultural policy of the European Economic Community and by the recourse to variable import duties are of very special significance. In paragraphs 17, 18 and 19 of its report, the Panel refers to these subjects and conveys the reasons why it did not feel it should study the compatibility of the common agricultural policy and of variable duties with the General Agreement. While not expressing a view on this opinion at this stage, the Uruguayan delegation fully reserves its position - now and in the future - in this connexion, thus confirming the statement made on 16 November 1962, understands that this matter remains open for further consideration at such future time as may be found to be appropriate, both in the context of the Recourse to Article XXIII and within the larger framework of other activities of the CONTRACTING PARTIES."