

GENERAL AGREEMENT ON

RESTRICTED

BOP/R/192

3 April 1991

TARIFFS AND TRADE

Limited Distribution

Committee on Balance-of-Payments Restrictions

NOTE ON THE MEETING HELD ON 19 AND 21 MARCH 1991

1. The Committee met on 19 and 21 March 1991, under the Chairmanship of Mr. J.-F. Boittin (France), to conduct simplified consultations under Article XVIII:12(b) with Nigeria, the Philippines, Tunisia and Turkey (BOP/R/190) and a full consultation under Article XVIII:12(b) with Yugoslavia (BOP/R/191).

2. Under "Other Business", the representative of Canada noted that, since its last full consultation under Article XVIII:12(b), India had introduced a number of new measures, notified in L/6765, which had intensified the overall level of its import restrictions substantially. This development met the criteria of Article XVIII:12(a), which require that a consultation be held immediately. His view was that a consultation should be scheduled during 1991 pursuant to Article XVIII:12(a).

3. The representative of the United States associated herself with the statement made by the Canadian delegation. Her delegation was grateful for the notification which had been made by India in November 1990, which indicated both new restrictions and the intensification of existing ones. However, she was informed that further restrictions had been introduced since then which had not yet been notified to GATT. She hoped that India would notify these measures as soon as possible. In the view of the United States' delegation, Article XVIII:12(a) stated clearly that in this situation a consultation was required; the Committee did not need to decide whether or not one should be held. In her view, India was obliged to consult under Article XVIII:12(a).

4. The representative of India said that the question of India's consultation had initially been raised in the context of the regular consultations under Article XVIII:12(b). The present request for consultations under XVIII:12(a), as he understood it, was based on India's notification made in November 1990. His delegation would need some time to study the legal and other implications of a consultation under Article XVIII:12(a), and its relationship with the notification procedures laid down in the 1979 Declaration, in order to provide a considered response.

5. The Chairman undertook to pursue informal consultations on this question in the next few weeks. A formal meeting of the Committee would be convened in the second half of April 1991 to find a solution to the matter.