

# GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

W.9/232

28 February 1955

Special Distribution

CONTRACTING PARTIES

Ninth Session

Working Party on Dependent  
Overseas Territories

## SPECIAL PROBLEMS OF DEPENDENT OVERSEAS TERRITORIES

Redraft of Colonial Waiver annexed to W.9/201

(Proposal by United Kingdom Delegation)

HAVING RECEIVED from the Government of the United Kingdom of Great Britain and Northern Ireland a request for certain facilities to assist them, in pursuit of the objectives of the General Agreement, in fulfilling their special responsibilities to promote the economic development and social well-being of the dependent overseas territories for whose international relations they are responsible (hereinafter referred to as the dependent overseas territories),

HAVING NOTED the explanation of the Government of the United Kingdom that the sole purpose of the facilities sought is to enable them to assist and safeguard, in cases of special need, industries or branches of agriculture in the dependent overseas territories which depend wholly or in large measure upon the United Kingdom as a market for the export of their products,

HAVING FURTHER NOTED the assurance given by the Government of the United Kingdom that they will, in the use of these facilities, safeguard to the fullest possible extent the interests of other contracting parties to the General Agreement,

RECOGNIZING that, whilst the dependent overseas territories have access to the facilities of Article XVIII of the General Agreement for purposes of economic development, additional facilities may in special cases, and in the light of the special relations existing between the United Kingdom and the dependent overseas territories, be needed in order to assure an outlet for certain of their products in the United Kingdom market,

the CONTRACTING PARTIES, acting pursuant to paragraph 5(a) of Article XXV of the General Agreement, and in consideration of the explanation and assurance recorded above,

DECIDE THAT:

1. Subject to the provisions of the following paragraphs of this Decision,
  - (a) the obligations of Article I shall be waived to the extent necessary to permit the Government of the United Kingdom to accord preferential tariff treatment to imports from the dependent overseas territories outside the limits permitted by the provisions of paragraph 4 of that Article; and
  - (b) the provisions of the General Agreement shall be waived to the extent necessary to permit the Government of the United Kingdom to take such action to assist an industry or branch of agriculture in the dependent overseas territories as they can, without breach of their obligations under the General Agreement, take to assist a domestic industry or branch of agriculture under the provisions of Articles VI, XVI and XIX and of the Decisions of \_\_\_\_\_ and \_\_\_\_\_.
2. The provisions of this Decision shall not apply in respect of any action taken by the Government of the United Kingdom which,
  - (a) would assist an industry or branch of agriculture in the dependent overseas territories which is not wholly or in large measure dependent on the United Kingdom as a market for the export of its product, or
  - (b) would also afford material benefit, either in the domestic or in export markets, to industries or branches of agriculture of the United Kingdom or of any territory other than the dependent overseas territories.

Moreover, the provisions of this Decision shall not, except with the concurrence of the CONTRACTING PARTIES, apply to action taken by the United Kingdom in respect of an industry or branch of agriculture in the dependent overseas territories which is not at the date of this Decision wholly or largely dependent on the United Kingdom as a market for the export of its product.

3. (1) No action shall be taken by the Government of the United Kingdom in virtue of paragraph 1 of this Decision which has the effect of introducing or increasing a margin of preference outside the limits permitted by the provision of Article I of the General Agreement without the prior concurrence of the CONTRACTING PARTIES. Furthermore, the Government of the United Kingdom shall, upon request at any time, promptly enter into consultations, with a view to arriving at a mutually satisfactory settlement or compensatory adjustment, with any contracting party which considers that such action is causing, or is likely to cause, material damage to its commercial interests and, if these consultations do not result in a mutually satisfactory settlement or adjustment, the contracting party or parties affected may refer the matter to the CONTRACTING PARTIES.

(2) No action under sub-paragraph (1) of this paragraph which involves an increase in a bound tariff shall be taken except in accordance with the provisions of the Agreement or of the Resolution of \_\_\_\_\_ relating to the withdrawal or modification of tariff concessions.

4. Whenever the Government of the United Kingdom takes any action in virtue of the provisions of paragraph 1 (b) of this Decision, the Government of the United Kingdom

- (a) shall conform to the condition and follow the procedures laid down in the Articles and Decisions specified therein and
- (b) where this is not already provided for in (a) above, shall forthwith furnish to the contracting parties which appear to them to have a substantial interest in the trade in the product or products affected by the action, and to the CONTRACTING PARTIES, full particulars (including relevant statistical information) as to (i) the dependent territory or territories in respect of which action is being taken and the circumstances making the action necessary; and (ii) the nature of the action and the product or products to which it applies.

Thereafter, any contracting party which considers that serious prejudice to its interests is caused or threatened thereby may request consultation and the Government of the United Kingdom shall promptly enter into discussions with the contracting party or parties concerned as to the possibility of limiting or modifying the action. If agreement is not reached in such consultations, the contracting party or parties which requested the consultations may refer the matter to the CONTRACTING PARTIES for such action as may be appropriate having regard to the relevant provisions of the General Agreement.

5. The Government of the United Kingdom shall report annually not later than eight weeks before each annual session, on all action taken in virtue of the provisions of this Decision.