

# GENERAL AGREEMENT ON TARIFFS AND TRADE

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CONTRACTING PARTIES

Thirteenth Session

Working Party on Organization

## SESSIONS OF THE CONTRACTING PARTIES AND INTERSESSIONAL PROCEDURES

### Draft Report prepared by the Drafting Group

As instructed by the CONTRACTING PARTIES the Working Party has considered arrangements for the future organization of the work of the CONTRACTING PARTIES in the light of the proposals by the Executive Secretary and the discussion thereon at Plenary Meetings.

2. In effect, the discussion of this question is a reconsideration of the issues examined at the Ninth Session when the CONTRACTING PARTIES considered ways and means of ensuring that the administration of the General Agreement would be "full, effective and continuous". It is evident from the discussions in the Plenary Meeting and in the Working Party that contracting parties are convinced that more than one session should be held each year in order to further the objectives of the Agreement and to enable the CONTRACTING PARTIES to deal adequately with the many important issues arising thereunder.

3. In brief, the Working Party recommends that the CONTRACTING PARTIES should meet in future twice each year and that there should be an intersessional committee to deal with urgent matters that arise when the CONTRACTING PARTIES are not in session.

#### I. Sessions of the CONTRACTING PARTIES

4. The bi-annual sessions of the CONTRACTING PARTIES should be for fixed periods of three calendar weeks, though when it is decided to have a meeting of Ministers at one of the sessions that session might be extended to four weeks. In order to avoid confusion the sessions should continue to be numbered consecutively; thus, the next session, in the northern spring of 1959, would be the Fourteenth Session and the following session, in the northern autumn of 1959, would be the Fifteenth.

5. The dates for the sessions should not be fixed rigidly, but it should be agreed that, generally, the first session in each year would be held in March-April, and the second in October-November. The opening date for each session

should be fixed twelve months in advance in the light of the circumstances prevailing and of the availability of conference accomodation; i.e. at the first session in each year the CONTRACTING PARTIES should fix the opening date for the first session to be held in the following year, and similarly for the second session in each year.<sup>1</sup>

6. There are certain matters, such as budgetary questions and the election of officers and of the intersessional committee, which should be dealt with at the last session in each year, but otherwise any item could appear on the agenda for either session as it arises or in accordance with a decision of the CONTRACTING PARTIES. The two sessions should be treated as of equal importance.

7. The Working Party wishes to stress that the business of the sessions cannot be despatched expeditiously or effectively unless delegates come to each session prepared to undertake plenary discussion of all items on the agenda within the first week of the session. However, if this rule is to be adhered to, it is essential that all necessary documentation be available to contracting parties well in advance of the opening of the session.

## II. Intersessional Procedures

8. In the light of its decision to recommend the holding of two sessions of the CONTRACTING PARTIES in each year, the Working Party considered what would be the best arrangements for intersessional administration and, in particular, the functions which an intersessional committee should be called upon to perform and the powers that should be delegated to it. The Working Party concluded that the existing arrangements are satisfactory, except that some of the functions hitherto assigned to an intersessional committee could be more appropriately performed by other means.<sup>2</sup>

9. The one fixed and recurring function which in the past has been assigned to an intersessional committee is the review of the documentation for items on the agenda for sessions of the CONTRACTING PARTIES. For this purpose the committee has met three weeks before the opening of each session, and again on the day before the session to make recommendations as to the order of business. The experience gained through many years suggests that it is hardly necessary to convene a committee to review the documentation for a session and that this purpose could be served equally well by informal contact between the Executive Secretary and the representatives of contracting parties in or near Geneva. Such an arrangement would be all the more effective if the CONTRACTING PARTIES adopt the Working Party's recommendation (see section III below) that the permanent representation of contracting parties should be

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<sup>1</sup> This will involve a slight change in the rules of procedure: in Rule 1 the words "at the previous session" should be amended to read "at a previous session".

<sup>2</sup> The existing Intersessional Procedures appear in BISD, Fifth Supplement, page 17.

strengthened. Therefore, the Working Party recommends that in future the intersessional committee should not be charged with these tasks. The existing procedures relating to the preparation of a session also give power to the intersessional committee to appoint working parties on questions of a technical character in advance of a session, but this also should be no longer required; for example, if it is considered desirable to establish a working party on budgetary questions to meet in advance of an autumn session, this could be done by the CONTRACTING PARTIES themselves at their spring session.

10. The functions hitherto assigned to the intersessional committee in relation to Articles XII to XV should also be reconsidered. It is expected that the CONTRACTING PARTIES will establish a working party to conduct the balance-of-payments consultations required annually or biennially under Articles XII and XVIII:B. It seems logical that any other matters relating to balance-of-payments questions arising intersessionally should also be taken up directly by that working party, and it is recommended that appropriate provision be made in that working party's terms of reference.

11. In the light of the foregoing the Working Party recommends the renewal of the intersessional arrangements, as set out in BISD, Fifth Supplement, pages 17-21, with the deletion of paragraphs 2 to 6 and 8 to 10. The intersessional committee for the period between the Thirteenth and Fourteenth Sessions and between the Fourteenth and Fifteenth would thus have the following functions: to deal with matters expressly referred to it by the CONTRACTING PARTIES (paragraph 7), to act on behalf of the CONTRACTING PARTIES in matters arising under Sections A, C and D of Article XVIII and under Article XXVIII (paragraphs 11 and 12), and to consider matters arising between sessions which require urgent action and for which no special arrangements have been made (paragraph 13). If these recommendations are adopted the intersessional committee would have no fixed times for meetings and would be convened by the Executive Secretary as and when required. The procedures of the committee (paragraphs 14 to 20) and the rules for airmail and telegraphic ballots (paragraphs 21 to 24) would be unaltered except for consequential amendments.

12. Finally, the Working Party recommends that the CONTRACTING PARTIES should reaffirm the conclusions reached during the Review Session that the paramount consideration in setting up an intersessional committee is that it should be "an effective committee". This implies, as agreed at the Review Session, that "the contracting parties nominated for membership should agree to provide adequate representation and, in fact, that it should be a condition of acceptance of membership that these contracting parties will undertake to send as representatives persons appropriately qualified". It is clear that these principles should be observed if the CONTRACTING PARTIES are to achieve their purpose of strengthening the administration of the Agreement by having an effective committee for emergency tasks during intersessional periods.

III. Permanent Representation

13. The Working Party wishes to take this opportunity to comment on the question of the representation of contracting parties close to the Headquarters of the GATT, as this can be an important element in the strengthening of the administration of the Agreement. The appointment of qualified representatives in or near Geneva, who could serve on the intersessional committee and on the various ad hoc bodies which it is the tendency of the CONTRACTING PARTIES to appoint, would greatly increase the usefulness of intersessional work. The Working Party commends this matter to the earnest consideration of all contracting parties in the light of the suggestion made at the Review Session that they should appoint in Europe representatives of suitable calibre with authority to speak on commercial policy questions within the field of the General Agreement. In view of the important developments in commercial policy which have taken place in the European area this suggestion may now have greater appeal to governments situated at a distance from Headquarters. The appointment of such representatives would facilitate continuous consultation about commercial policy matters, which it is one of the aims of the General Agreement to promote, and would enable the Executive Secretary to have frequent contact with qualified representatives to discuss questions arising in connexion with the General Agreement during the intersessional periods.