

**MULTILATERAL TRADE
NEGOTIATIONS
THE URUGUAY ROUND**

RESTRICTED

MTN.GNG/NG7/W/33

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Special Distribution

Group of Negotiations on Goods (GATT)

Negotiating Group on GATT Articles

PROTOCOL OF PROVISIONAL APPLICATION

Note by the Secretariat

1. At its fourth meeting, the Negotiating Group considered the proposal by the European Economic Community that the GATT secretariat should be asked to conduct an enquiry among contracting parties in order to obtain up-to-date and more complete information on measures which are claimed to be covered by paragraph 1(b) of the Protocol of Provisional Application (see MTN.GNG/NG7/W/27). The Group agreed that the secretariat should hold informal consultations on the way in which such information might be collected.

2. Having consulted interested delegations, and having considered the information that could be derived from existing documentation, the secretariat has reached the conclusion that it would be necessary to address a direct enquiry to all contracting parties in order to compile an up-to-date and comprehensive list of legislation for which justification is claimed under the Protocol. No existing sources of information could provide a reliably comprehensive and up-to-date picture of the situation. There has never been an obligation to notify measures maintained under paragraph 1(b) of the PPA. In 1955, a request was made to all contracting parties for information on their existing mandatory legislation which was not in conformity with Part II of the GATT. Six countries provided the information requested, while seven indicated that they had no such legislation (see L/2375 and Add. 1). This information is now outdated. Such relevant information as is contained in the Inventories of Quantitative Restrictions and Non-Tariff Measures is incomplete.

3. As to the manner in which comprehensive information might be sought, it would seem proper for this Negotiating Group, in which all contracting parties may participate, to address to contracting parties a request for information on all mandatory legislation, not in conformity with Part II of the GATT, which is maintained under paragraph 1(b) of the Protocol. The Group might also consider requesting information on any significant measures taken under this legislation. It would also be necessary to explain the purpose of the enquiry and the nature of the legislation in question, and to make it clear that the enquiry is without prejudice to the continued justification of the measures notified. The request for information should perhaps take the form of a letter from the Chairman of the Negotiating Group.