1. **Membership of the Council**

The Chairman announced that the Government of Senegal had requested membership of the Council. On behalf of the Council, the Chairman welcomed Senegal as a member and Mr. Cissé as its representative.

2. **Association between the EEC and Malta - report of the Working Party (L/3665)**

The Chairman recalled that at its meeting in April 1971 the Council had considered the Agreement of Association between the EEC and Malta, and had established a working party to carry out a more detailed examination of the
Agreement's provisions. The report of the Working Party had been circulated in document L/3665.

Mr. Olivori Lopez (Argentina), Chairman of the Working Party, in introducing the report, noted that all members of the Working Party had expressed understanding for the political and economic considerations that had led Malta to seek closer links with the EEC. Some members had been of the opinion that neither with regard to the plan and schedule nor with respect to trade coverage did the Agreement comply fully with the provisions of Article XXIV. Other members had pointed to the difference in the stage of development between Malta and EEC and had considered that the intention of the parties to establish a customs union supported the contention that the Agreement was compatible with Article XXIV. The parties to the Agreement had considered that, as an interim Agreement, it met with the requirements of Article XXIV:5-9. In their view, the provisions of the Agreement constituted a realistic plan and schedule.

The Council noted the differences of view which had been expressed on the legal issues involved and noted that contracting parties had reserved their rights under the General Agreement.

The Council noted the assurance of the parties to the Agreement that they would submit reports on its implementation. In accordance with the Calendar of Biennial Reports on Regional Agreements which the Council had established at its meeting of March 1972, the first such report would be expected by April 1974.

The Council adopted the Report.

3. Association between the EEC and Greece (L/3689)

The representative of the EEC, in introducing the report on the Association between the EEC and Greece (document L/3689), submitted in accordance with the Calendar of Biennial Reports on Regional Agreements, stated that the detailed programme set out in the Association Agreement on the reduction and elimination of customs duties in the agricultural as well as in the industrial sector had been implemented.

The representative of the United States noted that this report had been submitted in time. He regretted, however, that it did not provide adequate data for a review of the developments of the Agreement nor did it provide a basis for estimating its effects on the trade of other contracting parties. The report should have at least provided data broken down into meaningful product categories. It should have indicated ad valorem equivalent duties and charges on dutiable imports for trade among the parties as well as with the other contracting parties. Furthermore, a list of products subject to quantitative restrictions for which EC quotas had been established under Article 26 of the Agreement, together with the present amount of the EC quota for each item, ought to have been submitted. He requested therefore, that the parties be asked to submit a supplemental report to be discussed at a later meeting of the Council.
The representative of the EEC understood the United States to request two kinds of additional data: information on trade on a product-by-product basis so as to permit an estimate of the effects of the Agreement on third parties, and information on the progress achieved under the Agreement. Data on the second aspect would be submitted as far as possible. With regard to the first item, however, it seemed that the request went beyond the provisions of Article XXIV and the Community was therefore reserving its position in this respect.

The representative of Greece stated that his authorities would supply the additional data requested to the extent possible.

The Council took note of the report.

4. Trade arrangements between India, Egypt and Yugoslavia (L/3696)

The Chairman recalled that by a Decision of 20 February 1970 the three Governments participating in the Trade Expansion and Economic Co-operation Agreement had been enabled to continue to implement the Agreement subject to certain conditions and procedures. Paragraph 1(c) of the Decision required the CONTRACTING PARTIES to review annually the Decision on the basis of a report by the participating States on the operation of the Agreement. The report on the third year of operation of the Agreement had been distributed in document L/3696.

Mr. Patel (India), speaking on behalf of the participating States recalled that the delay in the submission of the report had been due to difficulties of a purely administrative nature. The Agreement had made some, even though modest, impact in creating new and additional trading opportunities, especially in non-traditional products, for the trade of the participating countries without causing any injury to the trade of other contracting parties.

The participating countries had also made efforts to multilateralize some of the concessions in the Agreement in respect of the parties to the Protocol Relating to Trade Negotiations Among Developing Countries. It was intended to submit the report on the Fourth Year of the operation of the Agreement by about September or October 1972.

The representative of the United Kingdom noted that the report left unanswered the questions which tariff headings had, in fact, been multilateralized and whether those headings should, as a consequence, not be removed from the schedule in the
Agreement. He also raised the issue whether there was not a need for a formal decision on the continuation of the Agreement in its present form.

The representative of India recalled that the Decision would expire with the expiration of the Agreement, i.e. 31 March 1973. Before that time, the CONTRACTING PARTIES would have the opportunity of carrying out a review of the Decision, in the light of any decisions of the participating countries regarding the future of the Agreement. He stated that approximately thirty-four tariff items had been multilateralized. The next report would clearly identify them. He repeated the intention of the three participating countries to make their best endeavours to come to a further exchange of concessions among developing countries in the light of further evolution of the multilateral scheme for negotiations among developing countries.

The Chairman noted that the Council had hereby carried out the annual review provided for in paragraph 1(c) of the Decision. Because of the time-limit in the decision, which was intended to expire no later than 31 March 1973, the next annual review would have to take place early next year.

The Council took note of the Report.

5. United States imports of automotive products (L/3686)

The Chairman recalled that under a Decision of 20 December 1965, concerning the elimination of customs duties by the United States on imports of automotive products from Canada, the United States Government reported annually on the operation of the Decision. The fifth annual report under the Decision, covering the year 1970, had been circulated in document L/3686.

The representative of Japan noted that according to the report there had been no evidence of damage to the trade interests of third parties through the operation of the Agreement. Nevertheless, it was his Government's hope that in the not too distant future, the United States would be able to remove on a most-favoured-nation basis the duties on the products covered by the Agreement.

The Council took note of the Report.

6. Uruguay - Import Surcharge (C/W/199)

The Chairman recalled that by a Decision of 19 November 1971 the CONTRACTING PARTIES had extended for a limited period of time, i.e. until 31 May 1972, the authorization to the Government of Uruguay to maintain the import surcharges applied. This extension had been agreed upon in order to enable the Committee on Balance-of-Payments Restrictions to carry out a thorough examination on the basis of full information to be supplied by the Government of
Uruguay. Additional information had now been received from the Uruguayan delegation and part of it had already been circulated. The meeting of the Committee, however, could only be scheduled to take place in the second half of June. In document C/W/199 an extension of the waiver until the end of September was being suggested and a draft decision had been prepared.

The representative of the EEC recalled that he had expressed his authorities' views on the waiver in 1971. He had not the intention of repeating them, especially in view of the fact that the present extension was mainly of a technical nature.

The Council agreed on the extension, approved the text of the draft decision and recommended its adoption by the CONTRACTING PARTIES.

The draft Decision was submitted to a vote and the Chairman invited members of the Council having authority to vote on behalf of their governments to do so. Ballot papers would be sent by mail to those contracting parties not represented at the meeting.

7. Consultation with Poland

The Chairman recalled that under the Protocol for the Accession of Poland, the Polish Government was required to consult annually with the CONTRACTING PARTIES with a view to reaching agreement on Polish targets for imports from the territories of the contracting parties as a whole in the following year. In the course of these consultations the CONTRACTING PARTIES were also to review the measures taken by contracting parties for the progressive relaxation during the transitional period of restrictions maintained against imports of Polish origin. In addition, in accordance with paragraph 3(c) of the Protocol, the CONTRACTING PARTIES were required to consider the establishment of a date for the termination of the transitional period. This question had been examined during the third and fourth annual consultations and was due to be re-examined at the next consultation. He suggested that the Council make arrangements for the conduct of the fifth annual consultation and appoint a working party for this purpose.
The Council agreed to establish a working party with the following terms of reference and membership:

Terms of Reference

To conduct, on behalf of the CONTRACTING PARTIES, the fifth annual consultation with the Government of Poland provided for in the Protocol of Accession; to re-examine the question of the establishment of a date for the termination of the transitional period referred to in paragraph 3(a) of the Protocol; and to report to the Council.

Membership

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<th>Argentina</th>
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<td>Australia</td>
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<td>Austria</td>
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<td>Canada</td>
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Chairman: Mr. Larsen (Denmark)

The Chairman announced that the first meeting of the working party would be held in October.

The representative of Poland expressed his Government's serious concern over the fact that, although his country had been a contracting party for over five years and had always fulfilled all its obligations under its Protocol of Accession, it could not enjoy all rights and benefits to which it was entitled under the General Agreement, because it was still being discriminated against by a number of contracting parties. His Government had agreed to transitional discriminatory restrictions on condition that they would be relaxed and eliminated at the end of a transitional period. On the occasion of the third consultation already a terminal date should have been agreed upon. His authorities seriously hoped that contracting parties would give careful consideration to this issue. It was furthermore important to recall that one of the working party's main tasks would be to assess the liberalization of imports from his country. This could be done efficiently only if proper and full documentation, prepared in conformity with the Guidelines approved by the Council, was being submitted.

The representatives of Australia and Canada expressed support for Poland's request for the submission of more explicit notifications.

8. Textiles

The Director-General pointed out that, for several years already the situation in the textiles field had been unsatisfactory and had even presented certain risks. The textiles sector was a particularly sensitive one in both
exporting and importing countries, whether these countries were developing or developed. Economic, commercial, social and political factors of great importance were involved.

There was nothing new in this; the contracting parties were fully aware of this state of affairs and they also knew of the difficulties, the tensions and frictions which had appeared in this sector and which had involved serious risks for trade relations - on many occasions in recent years.

He recalled that it had long been his view that, at the right moment, the GATT had to come to grips with the problem of textiles in an attempt to see what could be done to bring about an improvement in the existing unsatisfactory situation. He had expressed his views on this subject, and in public, on many occasions; such as, for example, in his address at the Institute of Foreign Trade, in New Delhi in November 1970. Consequently, there was nothing in what he was saying which should come as a surprise to the Council.

He recalled that he had always said, "at the right moment". It was evident that the more sensitive a sector, the more essential it was to deal with it at a moment when the international climate was not unfavourable.

International trade relations in the course of the last two years had - to put it mildly - left something to be desired, and had not been conducive to the creation of a favourable climate in which to tackle a particularly difficult sector of world trade such as textiles.

Fortunately, the climate had clearly changed since the beginning of 1972 and now an important and growing number of trading nations had already affirmed their will to enter into negotiations beginning in 1973 and to do so with the objective of pursuing trade liberalization and the search for the necessary adjustments in order to permit more harmonious trade relations. The CONTRACTING PARTIES, therefore, found themselves in a different situation from the one prevailing in recent years and a situation which permitted a certain optimism after the frustrations and even tensions of the recent past. For this reason he thought that the right moment had come to begin working on the textiles problem in a multilateral framework and on the basis of the principles and objectives of the General agreement.

The way to make a start would be, in his opinion, to create in the GATT a Working Party on Textiles open to all interested countries.

The task to be given to such a working party should, in his opinion, be essentially to determine the factual situation, a fact-finding exercise. Of course, one might get the comment that there already existed a considerable mass of documents and statistics on textiles in the respective capitals, but it was not certain, on the other hand, that all governments saw the factual situation in the same way. What, therefore, seemed to be necessary was to arrive at a common understanding of the facts. Consequently, such a fact-finding exercise should
determine and analyze the economic, technical, social and commercial factors which influenced world trade in textiles, distinguishing the various textile sectors, both according to the fibres used and according to the degree of processing. It seemed that if such a working party were established, it could reasonably be expected to present a report before the end of this year, for example at the time of the next session of the CONTRACTING PARTIES.

He emphasized that if such a working party were established, the exercise of fact finding should be undertaken without any preconceived ideas and without prejudicing the question as to whether this exercise should have a follow-up and, if so, what. It was a question of embarking upon the question in its entirety, objectively and, once again, without seeking to predict the follow-up.

This was the first time that this matter had been brought up here in the Council and the discussion could only constitute a first exchange of views to which the Council, if it so wished, would be able to revert later. The textiles sector had to be treated with the greatest care and with much prudence. The GATT would however, be failing in its responsibilities if it did not try to do whatever was possible to do. There was now, the chance to undertake useful action in the textiles field, and this chance should not be allowed to slip away.

The representative of Finland, speaking on behalf of the five Nordic countries, stated that the problems, previously limited to cotton textiles, had extended themselves to other textiles. In their view textile problems as a whole should be dealt with multilaterally since bilateral discussion had often resulted in the diversion of exports from one market to other markets. The Nordic countries favoured the setting up of a working party and suggested that its terms of reference should be as general as possible.

The representative of Canada agreed that the situation had not been satisfactory and felt that the time had come to seek multilateral solutions, otherwise there would be little prospect of avoiding a proliferation of bilateral or unilateral measures. Canada fully supported the creation of a working party, with broad terms of reference, to examine at an early date the problems of trade in textiles of various fibres at all stages of processing and to consider appropriate solutions. In his view, a broad objective would be to seek international arrangements which would not only bring restrictive action under appropriate international supervision, but achieve a progressive liberalization of textile trade.

The representative of the United States considered that problems existed in textiles to which solutions should be found. The United States was fully in agreement with the setting up of a working party as suggested by the Director-General, and that this should be done as promptly as possible. If the Council was agreeable to this, it would be possible to consider the terms of reference for such a working party and to approve its composition at an early meeting of the Council. He hoped that it would be possible for the secretariat to circulate proposed terms of reference in advance of that meeting.
The representative of Poland agreed that the problems relating to textiles of various fibres should be examined since the solution for problems in the cotton sector alone was inadequate to deal with the overall situation. He agreed to the establishment of the working party with broad terms of reference.

The representative of Israel was not in a position to make any substantive comments at this stage. He, therefore, shared the view that the secretariat should produce a paper setting out the suggestions put forward by the Director-General with additional background information if possible. As regards the terms of reference, he asked what would be the relevant facts that should be studied, and whether the working party would be composed of government representatives or experts acting in their personal capacity.

The representative of Spain was not in a position to pronounce himself firmly on this matter, and asked if the terms of reference would only be confined to fact finding or whether they would go beyond that. He also asked whether non-GATT countries with an important rôle in textiles would be invited to participate in such a working party, and wished to know whether the working party would consist of experts designated as such.

The representative of India said that owing to the far-reaching implications of the proposal made, a detailed examination was needed before any definite views could be put forward by his delegation. The changes in production patterns which had taken place in the textile industries of developed countries had not occurred in most developing exporting countries; their main export items in the field of textiles would continue for many years to be cotton products. Thus, it would be unfortunate if, in the overall examination of textiles, problems in the cotton sector were relegated to a secondary position. A decision on this subject could, however, be taken at a future meeting of the Council after participating countries had had the opportunity of discussing the matter informally during the meeting of the Cotton Textiles Committee commencing on 5 June. India's participation in the discussion of any working party if established would be on the understanding that this would imply no commitment regarding the future of the Cotton Textiles Arrangement. He supported the suggestion that the secretariat should prepare a brief paper elaborating the proposal of the Director-General.

The representative of Egypt sought clarification as to why the Director-General considered this to be the right time to set up the working party, and what might be the relationship between its work and that of the Cotton Textiles Committee. As to the terms of reference, he believed that these should not be limited to fact finding, but also to finding solutions to problems and that the interests of the developing countries should be fully taken into account.

The representative of Portugal said that his delegation was not in a position at this stage to give a definite view on this important matter, but he was interested to know the replies to certain questions put by representatives of other countries, particularly those of Israel and Spain.
The representative of Korea said that in the absence of a written proposal his authorities were not in a position to express any views at this stage. He, therefore, supported the suggestion that the secretariat should prepare a background paper for discussion in the forthcoming meeting of the Council.

The representative of the EEC said that trade in textiles showed certain trends which were peculiar to it, and that this special situation was recognized in the discussion at this meeting. The EEC countries would reflect on the Director-General's proposal until the next meeting of the Council when, it was hoped, a decision should be taken. He supported the suggestion that the secretariat should produce a paper setting out the essential elements of the Director-General's statement, together with draft terms of reference if possible.

The representative of Ceylon said that a written statement setting out the Director-General's proposals was essential. His Government would need time for reflection and could, therefore, present its view only at the next meeting.

The representative of Turkey said that the complexity of the problems prevented him from giving a definite view at this stage and he, therefore, supported the proposal that the secretariat should prepare draft terms of reference with a view to facilitating further discussion of this matter.

The representative of Japan stated that his Government considered that it was of the utmost importance that measures for trade expansion consistent with GATT principles should be adequately provided for in the textile trade sector, as in all other sectors. His country applied no trade restrictions to textile imports. Textiles were included in its Generalized System of Preferences for the benefit of developing countries. Japanese textile imports were rising rapidly. The Japanese textile industry spared no efforts for the rationalization of the industry. Where necessary, the Japanese Government provided adjustment assistance to facilitate structural adjustment.

When one reviewed the actual situation in world textile trade, however, it was to be regretted that, on the whole, trends inconsistent with GATT principles were prevalent, as demonstrated by the Long-Term Agreement, which continued to exist to this day, after two extensions, although it had been initially conceived as a temporary and exceptional measure. Due note was being taken of the continued imposition in some European countries of discriminatory import restrictions against Japanese textile goods; and also of the signing and implementation of a series of government to government bilateral arrangements providing for export restraints on woollen and man-made fibre textile goods between the United States on the one hand, and Asian nations, including Japan, on the other.
These restrictive trends in textile trade were not in full conformity with the principles embodied in the GATT, such as the principle that trade restrictions be introduced only where injury or the threat thereof existed. In his view, in the event such trends should be extended and proliferated in the coming years on a global and multilateral basis, not only would textile trade be diminished but also the principle of free trade itself would be undermined, thus causing incalculable damage to world trade in the future. From this standpoint, his Government considered that the common objective in the working party should be the realization, through mutual co-operation among textile trading nations, of textile trade based upon GATT principles as referred to earlier. This was, of course, not an easy task. Nevertheless, it was in the interest of the textile industries of all nations that textile trade be governed by the principle of free and fair competition, due regard being paid to the principles and objectives of GATT. It went without saying that the realization of such an objective was also essential for the future of the GATT.

It was thus felt that examination in the working party should concentrate upon fact finding with special emphasis on investigating the actual situation relating to injury caused or threatened to be caused to textile trade in the importing countries and the Working Party should therefore be given, inter alia, the following functions: (a) to ascertain and analyze the current situation of international trade in textiles; (b) to review various problems that impeded development of international trade in textiles; (c) to identify and make a detailed analysis of injuries caused or threatening to be caused to the textile industries in respective countries; (d) to analyze structural changes that have taken place in textile industries and in world textile trade; and (e) to study adjustment policies, with specific reference to textile industries, employed by respective countries and consequences thereof vis-à-vis world trade.

On the assumption that his Government’s basic position as stated above was confirmed and understood by all other nations interested in textile trade problems, his country was prepared to participate in the textile working party.

The representative of Greece supported the Director-General’s proposal on the assumption that it would be further elaborated at a subsequent meeting of the Council.

The Director-General, in response to the question as to why the time now seemed appropriate to set up a working party, said that up to the beginning of 1972 the climate in international trade relations had not been particularly good and, consequently, had been less favourable to the undertaking of any action in this delicate area. However, this year the climate had improved and the future could now be envisaged with more optimism, as evidenced by the prospect of multilateral trade negotiations in 1973. This more favourable climate, in his view, should be more conducive to fruitful discussion of the question of textiles.
As regards the terms of reference of the working party these should aim at
establishing the facts in the textile field and reaching a common understanding
on the situation, without prejudice as to what action might follow thereafter.
The Cotton Textiles Committee had been set up to administer a specific arrangement
and had competence in respect of cotton goods only, while the working party would
undertake studies which would embrace textiles of various fibres; as to the
composition of the working party, the Director-General considered that it would be
more appropriate for it to consist of governmental representatives. As regards
the factors to be studied, he believed that the study should be general in
character covering all relevant economic, social, technical and commercial
factors which affected trade in textiles and clothing made of cotton, wool and
man-made fibres.

In conclusion, the Director-General indicated that, in response to the
request made by various speakers, he would undertake to present the proposal he
had made in written form so as to facilitate consideration in preparation for
the next Council meeting.

The Chairman said that the Council had shown great appreciation for the
initiative that the Director-General had taken in this matter. It was agreed
that this subject should be placed on the agenda of the next Council meeting
which would be held some time before the end of June.

9. Financial and administrative questions

(a) Final position of the 1971 Budget of the GATT (L/3679)

The Chairman drew attention to document L/3679 which contained the
annual report on the final position of the 1971 Budget of the GATT.

As was shown in Annex C of the Report, the 1971 accounts closed with an
unappropriated surplus of $29,344. It was the Director-General's intention to
put proposals for the disposal of the surplus to the Committee on Budget, Finance
and Administration for consideration. The contributions in arrears from contracting
parties as at 31 December 1971 were listed in Annex B. Certain contributions had
been received in whole or in part since 1 January 1972, as was shown in Annex B.
A number of further contributions had been received since the document had been
issued in March from Argentina, Dahomey, Italy, Mauritania, Peru, Romania, Rwanda,
Spain, Togo, Upper Volta and the Khmer Republic. This left a total outstanding
as of today of $195,292.

Paragraph 4 of the Report showed excess expenditure over the original
appropriations incurred in particular sections of the budget. Authority was
sought to increase the appropriations accordingly. In paragraph 6 a method of
financing was proposed to cover the excess expenditure.
The representative of Belgium expressed her Government's regret over the increase of contributions in arrears. She, furthermore, asked whether it would be possible to consider a reduction in the single minimum contributions of the least developed among the developing contracting parties to half the present minimum or perhaps to a symbolic amount of $1,000. Careful consideration should also be given to the question whether certain expenses could not be reduced.

The representative of Ceylon pointed out that the minimum contributions were calculated on a systematic basis which should not be discarded without reason. Most developing countries had been able to fulfil their financial obligations in time.

The Council authorized the increases in the appropriations and approved the method of financing the excess expenditure.

(b) Final position of the 1971 Budget of the International Trade Centre (L/3680)

The Chairman drew attention to the report on the Final Position of the 1971 Budget of the International Trade Centre UNCTAD/GATT (document L/3680). The report had been made in view of the responsibility of the Director-General for budgetary and financial control of the Centre's funds and was in accordance with GATT practice.

Paragraph 11 indicated that the surplus Account showed an unappropriated balance of $2,358. It was being proposed that this amount be earmarked to the 1973 expenditure. In paragraph 8 authority was sought to re-create certain appropriations by transfer of savings between budgetary sections. Details of the proposed transfers were set out in the Annex to the document.

In reply to a question, the Director-General pointed out that the additional credit for covering the cost of office space had been needed due to an increase in staff and because it had not been possible to allocate office space to the Centre in the new wing of the Palais des Nations, as had originally been foreseen.

The Council granted the authority requested in paragraph 8 and approved the proposal in paragraph 11.

10. Association between the EEC and Tanzania, Uganda and Kenya - Working Party

The Chairman informed the Council that the Chairman of the Working Party on the Association between the EEC and Tanzania, Uganda and Kenya, Mr. Kadota (Japan) had been assigned by his Government to other functions and was no longer available in Geneva.

The Council agreed to nominate Mr. Mizoguchi (Japan) Chairman of the Working Party.
11. Customs Unions and Free-Trade Areas, procedure - proposal by the United States (C/W/201)

The representative of the United States recalled that the General Agreement contained several provisions which authorized carefully circumscribed exceptions from the most-favoured-nation rule of Article I. Article XXIV was one of these exceptions and contained a number of procedural safeguards to third countries, which, though sometimes difficult to apply, were an essential part of the basic structure of the GATT. In fact, these safeguard provisions were not being fully observed in practice: discriminatory trading arrangements were being implemented without any consideration at all by the CONTRACTING PARTIES, either before or after the fact. The Association Agreement between the EEC and Tanzania, Uganda and Kenya, e.g., had been signed nearly three years ago, it had entered into force seventeen months ago and had not been discussed yet. A GATT examination of this agreement should take place without further delay.

On a more general level he invited the Council to adopt a "rule of reason" for the procedural handling of departures from Article I other than those submitted as waivers under Article XXV, which would require parties to newly established free trade areas or customs unions to provide basic information concerning such arrangements no later than two weeks after signature and which would require a first consideration of the matter no later than four weeks thereafter. He suggested that this proposal be put on the agenda for the next Council meeting.

The representative of the EEC pointed out that the delay which had occurred in the discussion of the Association Agreement between the EEC and Tanzania, Uganda and Kenya was in no way representative for examinations of this kind. It had been due to special circumstances, one of them being the type of questions asked which required detailed statistical data.

The Council agreed to consider the proposal at its next meeting.

12. Date of the twenty-eighth session

The Director-General suggested that contracting parties envisage the twenty-eighth session be held within the period 1 to 14 November 1972, it being understood that the whole period would not necessarily be taken up. It was his intention to seek the Council's opinion on this suggestion at its next meeting.