GENERAL AGREEMENT ON TARIFFS AND TRADE

FIRST SESSION OF THE CONTRACTING PARTIES

SUMMARY RECORD OF NINTH MEETING

Held at Capitolio, Havana, Cuba on 17 March 1948 at 2.30 p.m.

Chairman: Mr. L. D. WILGROSS (Canada)

The CHAIRMAN welcomed the provisional application of the General Agreement by Czechoslovakia (document GATT/1/31). The Contracting Parties were very glad that Czechoslovakia would be one of their number by the time the Second Session took place.

Item VI of the Agenda of the First Session: Notification of Measures taken by Contracting Parties under Article XVIII, paragraph 6, of the General Agreement (Document GATT/1/20).

Mr. LEDDY (United States of America) stated he was unable to give an opinion regarding the measures taken by the Cuban Government, referred to in document GATT/1/20. He was awaiting instructions and would prefer to have consideration of the matter postponed.

Mr. ROYER (France) asked for clarification concerning the Cuban tariff items "Trimmings, galls and ribbons", which were the subject of negotiation by Cuba at Geneva but were also mentioned in document GATT/1/20. It was now suggested that these items should be deleted from the Cuban schedule by means of the Protocol of Typographical Rectifications, on the basis that they were originally included by mistake. He wished to know what was the reason for this deletion.

Mr. GUTIERREZ (Cuba) stated his delegation was still consulting with the United States on this matter and that he would prefer not to discuss the matter at that stage.

The CHAIRMAN ruled that the matter would be deferred to a later meeting. He then requested the Australian representative to state his country's position concerning the measure which had been notified by Australia at Geneva, under Article XVIII (6).

Mr. MYRON (Australia) stated his Government's opinion that the measures taken by Australia were not in conflict with the General Agreement. He was not clear on
not clear on whether the notification made at Geneva had been of a formal nature; if so, his Government withdrew it.

Amendment to paragraph 6 of Article XVIII suggested by the Brazilian delegate (document GATT/1/29).

Mr. LEDDY (United States of America) expressed sympathy with the intention of the Brazilian amendment. He was not sure, however, that a formal amendment to the Agreement was needed, insofar as Article XXV, paragraph 5, gave the contracting parties the necessary authority to act in these questions. If formal recognition of the Brazilian case were necessary, the meeting could take note of the report of the United Nations Conference on Trade and Employment on Article 14 of the Havana Charter and of the Brazilian proposal, noting that the question was covered in the General Agreement and that cases such as the one mentioned in GATT/1/29 would no doubt be given sympathetic consideration when they were submitted to the contracting parties. He felt this would meet the substance of the Brazilian amendment.

Mr. LOPES-RODRIGUES (Brazil) felt the United States proposal was acceptable. On the question of the majority needed in reaching decisions, he would want the Resolution to require only a simple majority instead of the two-thirds majority mentioned in Article XXV, paragraph 5.

Mr. ROYER (France) pointed out that Mr. LEDDY's formula implied that a two-thirds majority was needed. If it were desired to change the majority rule, an amendment to the Agreement would be necessary.

Mr. LEDDY (United States of America) stressed the fact that under Article XXV, paragraph 5 (a), the Contracting Parties could, by a two-thirds vote, agree on which matters could be dealt with by a simple majority.

The CHAIRMAN stated there appeared to be no objection to the Resolution proposed and asked the Secretariat to prepare a text in time for the next meeting.

Mr. LOPES-RODRIGUES (Brazil) reiterated his preference for a simple majority provision.

Mr. LEDDY (United States of America) stated that in defining cases under paragraph 5 (a) of Article XXV, the decisions to be taken by the contracting parties would involve a more thorough consideration by Governments of the questions at issue than could take place at the First Session. The best way to meet the Brazilian case and to ensure action at the present Session, was to approve a Resolution, suggesting sympathetic consideration of cases of the nature raised which might be submitted at a later stage.

/It was agreed/
It was agreed that the Secretariat would prepare a draft Resolution, while the Brazilian delegation considered the matter further.

Item 7(b) of the Agenda: Any questions that may be raised concerning commitments made under the Agreement and regarding its operation.

Mr. SKAUG (Norway) stated some United States concessions negotiated at Geneva were not yet being applied. If the Reciprocal Trade Agreements Act were no longer in force after June 12 next, could the United States administration give effect after that date to these concessions, or would they have to be approved by Congress?

Mr. LEDDY (United States of America) stated that he was awaiting instructions and that he would provide the necessary information immediately it came to hand.

Mr. SKAUG (Norway) wished to hear at an early date from the United States regarding his query and hoped the reply would be such as to avoid difficulties at a later stage.

The CHAIRMAN stated that although Article XXII provided means for consultation, this should not preclude elucidation of points such as that which had been raised by Mr. Skaug, by means of informal exchanges. In the future, however, delegations intending to put questions of this nature should endeavour to give prior notice.

Mr. ADARKAR (India) supported Mr. Skaug's question to the United States representative and hoped that a reply would be forthcoming before the end of the First Session.

Mr. LEDDY (United States of America) assured the meeting he would endeavour to provide the particulars as early as possible. For purposes of information, he would like to know the plans of signatories of the Final Act at Geneva regarding signature of the Protocol of Provisional Application. Delegates could advise the Secretariat, which would pass on the information to the other delegations.

This was agreed.

Mr. ROYER (France) reminded the meeting that France had not availed herself to date of the provisions of Article XXVII but that at the end of June 1948, it might be necessary to reconsider the matter, particularly, as France was not yet enjoying certain benefits because the principal suppliers thereof were not yet applying the Agreement.

Mr. LAMVELT (Netherlands) inquired whether the Secretariat had received any news concerning the provisional application of the Agreement in respect of the Dutch overseas territories.

The CHAIRMAN stated the Secretariat had had no formal notification, but /that it would
that it would cable United Nations Headquarters in Lake Success and would advise in due course.

The CHAIRMAN then declared Item 7 of the Agenda disposed of.

The meeting was then adjourned.