GENERAL AGREEMENT ON TARIFFS AND TRADE

DECISIONS AND RESOLUTION
OF THE
CONTRACTING PARTIES

at the Fifth Session

Torquay, November - December 1950
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DECISIONS

1. DECISION OF NOVEMBER 9, 1950, ON THE ACCESSION OF URUGUAY

CONSIDERING that Paragraph 10 (a) of the Annecy Protocol of Terms of Accession to the General Agreement on Tariffs and Trade provides that the Protocol would be open for signature by acceding governments only until April 30, 1950,

CONSIDERING that the Government of Uruguay, owing to unavoidable circumstances, was unable to sign the said Protocol by that date, and

CONSIDERING the desirability of affording an additional opportunity to the Uruguayan Government to accede to the General Agreement,

The CONTRACTING PARTIES,

ACTING pursuant to Article XXXIII of the General Agreement, in view of the special circumstances referred to above,

DECIDE that, notwithstanding the provisions of Paragraph 10 (a) of the Annecy Protocol of Terms of Accession, signature of the said Protocol by the Government of Uruguay shall be effective for all purposes of that Protocol if affixed not later than the final date to be established for signature of an instrument of accession by Governments which intend to accede to the Agreement as a result of the negotiations entered into at Torquay, and

INSTRUCT the Executive Secretary to forward a copy of the present Decision to the Secretary-General of the United Nations and to inform the Secretary-General in due course of the final date fixed for signature in accordance with the foregoing paragraph.

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(1) See GATT/CP.5/SR.2 and 11.
2. **DECISION OF NOVEMBER 27, 1950, GRANTING A RELEASE APPLIED FOR BY THE GOVERNMENT OF HAITI UNDER PARAGRAPH 12 OF ARTICLE XVIII RELATING TO THE IMPORT OF TOBACCO**

The CONTRACTING PARTIES,

HAVING AGREED that the measure notified by Haiti satisfied the requirements of Article XVIII of the Agreement,

DECIDE that a release be granted, for a period of five years, under paragraph 12 of Article XVIII for the maintenance of the measure insofar as it requires importers to obtain an import permit.

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(1) See GATT/CP.5/25 and GATT/CP.5/SR.15
3. DECISION OF NOVEMBER 30, 1950, EXTENDING THE TIME LIMIT IN
PART II OF ARTICLE XX OF THE AGREEMENT(1)

WHEREAS it is provided in Article XX that nothing in the General
Agreement shall be construed to prevent the adoption or enforcement by any
contracting party of measures described in Part II of Article XX, and that
measures instituted under the said Part II of Article XX which are incon-
sistent with other provisions of the General Agreement shall be removed as
soon as the conditions giving rise to them have ceased and in any event not
later than January 1, 1951, and

WHEREAS the conditions due to the war have not improved at the
rate and to the extent expected when the General Agreement was drawn up,
The CONTRACTING PARTIES

DECIDE, in accordance with Article XXV:5(a), to waive until
January 1, 1952, the obligation of contracting parties instituting or
maintaining measures under Part II of Article XX to discontinue them or
seek the approval of the Contracting Parties for their continuance.

(1) See GATT/CF.5/SR.16
4. RECORD OF DECISIONS OF DECEMBER 13, 1950, CONCERNING THE ACCEPTANCE OF SPECIAL EXCHANGE AGREEMENTS BY THE GOVERNMENTS OF BURMA, HAITI, SWEDEN AND INDONESIA

The CONTRACTING PARTIES approved the recommendations contained in the Report of Working Party "J" on Special Exchange Agreements (GATT/CP.5/44), thus taking the following decisions:

(a) that the time limit for the acceptance of special exchange agreements by the Governments of Burma, Haiti and Sweden, failing their becoming members of the Fund in the meantime, be extended to September 17, 1951, the opening date of the Sixth Session, and

(b) that the Government of Indonesia, when it deposits an instrument of acceptance of its special exchange agreement, shall be considered as having fulfilled its obligations under the Resolution of April 3, 1950, notwithstanding the time limit set in that Resolution.

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(1) See GATT/CP.5/44 and GATT/CP.5/SR.21
5. DECISION OF DECEMBER 15, 1950, ON THE ADJUSTMENT OF CERTAIN SPECIFIC DUTIES AND CHARGES IN SCHEDULE II (BENELUX) (1)

The CONTRACTING PARTIES,

HAVING NOTED the adjustments relating to the specific duties and charges included in Section A of Schedule II (Benelux) of the General Agreement on Tariffs and Trade, as specified in the list annexed to this Decision, to take account of a reduction, by more than twenty per centum, of the par value of the Netherlands guilder effected consistently with the Articles of Agreement of the International Monetary Fund, to the extent necessary to ensure that the same duties and charges are applied by each of the members of Benelux,

CONCUR, in accordance with the provisions of paragraph 6 (a) of Article II of the General Agreement, that such adjustments do not impair the value of the concessions provided for in Schedule II to the General Agreement.

List of Adjustments of Specific Duties and Charges in Schedule II (Belgium - Luxemburg - Netherlands)

Item 68: The rates of the Netherlands monopoly duty "f.4.0" and "f.1.1" in the Note 1 to this item shall read:

"f.5.0" and "f.1.26"

Item 70: The rate of the Netherlands monopoly duty "f.2.0" in the Note to sub-item "a" shall read:

"f.2.51"

The rate of the Netherlands monopoly duty "f.1.50" in the Note to sub-item "b" shall read:

"f.1.88"

(1) See GATT/CP.5/SR.24
Item ex 74: The rate of the Netherlands monopoly duty "f.2.-" in the Note to this item shall read:
 "f.2.51"

Item 84: The rate of the Netherlands monopoly duty "f.15.-" in the Note to sub-item "b" shall read:
 "f.18.83"

Item 89: The rate of duty in the third column to sub-item "a" "f.50.-" shall read:
"f.62.78"

Item 23: The rate of duty in the third column to sub-item "ex b" "f.15.13" shall read:
"f.19.-"

Item 153: The rate of duty in the third column to sub-item "a" "f.36.32" shall read:
"f.45.60"

The supplementary duty in Note 1 to sub-item "a" "f.0.70" shall read:
"f.0.88"

The rate of duty in the third column to sub-item "b" "f.100.-" shall read:
"f.125.55"

Item 154: The rate of duty "f.254.24" in the third column shall read:
"f.319.20"

Item 155: The rates of duty "f.121.07" and "f.151.33" in the third column shall read:
"f.152.-" and "f.190.-"

Item 165: The rate of the Netherlands monopoly duty in the Note to this item "f.2.-" shall read:
"f.2.51"

Item 206: The duty "f.1.82" in the Note (a) to the sub-item "ex b 3" shall read:
"f.2.28"

Item 294: The rates of duty in the third column to this item "f.2.-" (3x) and "f.0.10" (3x) shall read:
"f.2.51" and "f.0.13"

Item 661: The rate of duty "f.0.61" (2x) in the third column shall read:
"f.0.76"

Item 662: The rate of duty "f.1.21" (2x) in the third column shall read:
"f.1.52"
6. DECISION OF DECEMBER 16, 1950, ON THE APPLICATION OF ANNECY SCHEDULES (1)

CONSIDERING that paragraph 3 of the Annecy Protocol of Terms of Accession to the General Agreement on Tariffs and Trade provides that notifications of intention to apply the concessions provided for in the schedules contained in Annex A thereto shall only be effective if received by the Secretary-General of the United Nations not later than April 30, 1950,

CONSIDERING that several contracting parties, owing to unavoidable circumstances, were unable to submit notifications by that date, and

CONSIDERING the desirability of affording an additional opportunity to those contracting parties to notify their intention to apply the concessions provided for in their respective schedules in Annex A to the said Protocol,

The CONTRACTING PARTIES,

ACTING pursuant to Article XXXIII of the General Agreement, in view of the special circumstances referred to above,

DECIDE that, notwithstanding the provisions of paragraph 3 of the Annecy Protocol of Terms of Accession, notifications of intention to apply the concessions provided for in schedules in Annex A to the said Protocol shall be effective for all purposes of that Protocol if received by the Secretary-General of the United Nations not later than April 1, 1951, and

INSTRUCT the Executive Secretary to forward a copy of the present Decision to the Secretary-General of the United Nations.

(1) See GATT/CP.5/SR.26
7. DECISION OF DECEMBER 16, 1950, CONCERNING THE EFFECT OF
THE FAILURE OF A CONTRACTING PARTY TO SIGN A DECISION
AGREETING TO THE ACCESSION OF A GOVERNMENT ACCEDING TO
THE GENERAL AGREEMENT (1)

The CONTRACTING PARTIES
DECIDE that the failure of any contracting party to sign the
Decision annexed to the Final Act of Torquay in respect of any particular
acceding government by the final date for the signature of such Decision
shall be deemed to be a negative vote on the Decision contemplated in
paragraph 11 of the Torquay protocol and shall be so recorded.

(1) See GATT/CP.5/SR.26
RESOLUTION

RESOLUTION OF NOVEMBER 27, 1950, ON THE EXPENDITURE OF THE CONTRACTING PARTIES IN 1951 AND THE WAYS AND MEANS TO MEET SUCH EXPENDITURE

PART I

The CONTRACTING PARTIES,

HAVING considered the estimates of expenditure of the Contracting Parties during 1951, as set forth in the Schedules annexed to this Resolution,

RESOLVE that:

1. The Executive Secretary is authorised to repay promptly ICITO for services rendered during the year 1951, provided that such repayment does not exceed a total of US $403,281;

2. The repayment referred to in paragraph 1 shall be financed as follows:
   a) by contributions from contracting parties for an amount of US $319,781;
   b) by drawing on the cash balance available on December 31, 1950, and payments received in 1951 in respect of 1949 and 1950 financial years up to an amount of US $61,000; and
   c) by miscellaneous income estimated at US $22,500;

3. Any balance from the cash surplus as at December 31, 1950, and payments of outstanding 1949 and 1950 contributions in excess of $61,000 shall be left at the disposal of the Executive Secretary for use as approved by the Contracting Parties, provided that such approval shall not be necessary to finance approved expenditure in 1951 pending delay in receipt of contributions;

4. The Executive Secretary shall report to the Contracting Parties at the Sixth Session on the status of budgetary expenditures including all

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(1) See GATT/CFG.5/SR.15
(2) For Annexes see pages 10-14 of GATT/CFG.5/28
commitments entered into to meet unforeseen and extraordinary expenses; and

5. The contributions of the contracting parties in 1951 shall be assessed in accordance with the scale of contributions set forth in Annex C to this Resolution.

PART II

The CONTRACTING PARTIES

RESOLVE further that:

1. Before adopting any proposal involving expenditure not specifically covered by appropriations already approved, they shall examine the financial implications of that proposal and consider ways and means of meeting the expenditure out of the existing budget resources or new resources;

2. They shall consider at their Sixth Session a report by the Executive Secretary on the income received up to the date of the Session and, if there should be an amount in arrears from contributions such as to impede the execution of the work entrusted to the Secretariat, they shall review the appropriations for 1951 and consider arrangements for financing expenditure during the remainder of the year; and

3. They shall also consider at their Sixth Session the question of the establishment of a Working Capital Fund.

PART III

The CONTRACTING PARTIES,

HAVING taken cognizance of the note submitted by the Executive Secretary on contributions in arrears and of the report of its Working Party on Budget Questions,

STRONGLY URGE all contracting parties which have not yet paid their contributions for 1950 and previous years, to do so without delay, and

REQUEST all contracting parties to remit their contributions for 1951 as early as possible and in any case, not later than April 30, 1951, and all acceding governments to take the necessary steps to enable them to send their contributions for 1951 which shall be considered as due and payable in full as soon as those governments become contracting parties.