Terms of Reference:

(1) To prepare and submit to the Contracting Parties for consideration and adoption a draft questionnaire for the review of import restrictions, required by Article XII:i+(b), and the second report on the discriminatory application of restrictions under the transitional period arrangements of Article XIV, required by Article XIV:1(g), taking into account the questionnaire prepared by the Secretariat (GATT/CP.5/5) and suggestions put forward in the course of the discussion in the plenary meetings of the Contracting Parties;

(2) to make such other suggestions as will facilitate the reviews referred to in (1) above;

(3) to consider and make proposals regarding the collection of information on the application of quantitative restrictions under other provisions of the General Agreement notably the provision referred to in paragraph 16 on page 5 of GATT/CP.4/33.

Composition:

Chairman: Dr. J.A. GUERRA (Cuba)

Members:
- Belgium
- Canada
- Chile
- Cuba
- France
- India
- Italy
- New Zealand
- Union of South Africa
- United Kingdom
- United States

PARTIES CONTRACTANTES
Cinquième Session

Groupe de travail "H" chargé de l'examen général des restrictions à l'importation

Mandat:

(1) Préparer et soumettre aux Parties Contractantes, pour étude et adoption, un projet de questionnaire en vue de l'examen général des restrictions à l'importation prescrit par l'article XII:i+(b) ainsi que le second rapport sur l'application discriminatoire des restrictions en vertu des dispositions de l'article XIV relatives à la période de transition, prescrit par l'article XIV:1(g), en tenant compte du questionnaire préparé par le Secrétariat (GATT/CP.5/5) et des propositions formulées au cours des délibérations des Parties Contractantes en séance plénière;

(2) présenter toutes autres suggestions de nature à faciliter l'examen mentionné au paragraphe (1) ci-dessus;

(3) étudier et formuler des propositions relatives à la réunion de renseignements sur l'application de restrictions quantitatives en vertu d'autres dispositions de l'Accord général et notamment de la disposition mentionnée au paragraphe 16 du document GATT/CP.4/33.

Composition:

Président: M. J. A. GUERRA (Cuba)

Membres:
- Belgique
- Canada
- Chili
- Cuba
- Etats-Unis
- France
- Inde
- Italie
- Nouvelle-Zélande
- Royaume-Uni
- Union Sud-Africaine
DRAFT OF QUESTIONNAIRE
FOR
THE REVIEW OF IMPORT RESTRICTIONS APPLIED UNDER ARTICLE XII
AND
THE SECOND REPORT ON THE DISCRIMINATORY APPLICATION OF RESTRICTIONS
UNDER THE TRANSITIONAL PERIOD ARRANGEMENTS OF ARTICLE XIV

General Notes

1. This questionnaire need be answered only by contracting parties which are applying import restrictions under the provisions of Article XII. Those contracting parties which are not applying such restrictions need only notify that fact.

2. In answering this questionnaire, contracting parties need not repeat information furnished in response to the questionnaire of October 1949 (GATT/CP/39) but should give references to the relevant sections of their replies.

3. The term "import restrictions" is meant to include restrictions made effective, either directly or indirectly, through state-trading operations; and the expression "state-trading operations" is meant to include the operations of enterprises wherever located to which the contracting party has granted, formally or in effect, exclusive or special privileges.

4. In answering this questionnaire, contracting parties should furnish information and data in respect of restrictions applied to merchandise imported into their non-metropolitan territories to which the General Agreement applies.

5. The replies to this questionnaire should be accompanied by copies of all laws, decrees, etc., not previously furnished to the Secretariat, which have provided for the establishment, maintenance and administration of the restrictions (including samples of public notices issued in compliance with paragraphs 3(b) and 3(c) of Article XIII) and copies of all bilateral agreements directly affecting the importation of restricted products in 1950 and 1951. (The term "bilateral agreements" is meant to include any arrangement effected pursuant to a formal agreement but not actual purchase or sale contracts; it includes also any informal arrangements not committed to writing, and for this a statement of the understanding should be provided).

6. The answers to this questionnaire should reach the Executive Secretary not later than April 30, 1951.
QUESTIONNAIRE

QUESTION 1 - GENERAL BACKGROUND

Contracting parties are invited to supply factual statements and statistics that will assist an understanding of the state of their balance of payments as reflected in balance of payments statistics for the calendar years 1948, 1949 and 1950, (including, where relevant, the separate figures for principal currency areas) and the statistics of external monetary reserves for the same period. Similar information related to periods other than calendar years may be given also, where this is relevant to the reply to Question 2.

QUESTION 2 - CHANGES IN POLICY SINCE 1946

Describe the extent and nature of changes of policy in the administration of import restrictions since January 1, 1948, which have affected the intensity of the restrictions or their impact on other countries. Relate your reply to the balance of payments.

QUESTION 3 - THE TECHNIQUE OF RESTRICTION

Describe the methods employed in applying the restrictions (other than those made effective either directly or indirectly through state-trading operations) and the groups of products subject to each method, using the following classification:

(i) import licences without the fixing of quotas;

(ii) the fixing of global quotas;

(iii) the allotment of shares in quotas to countries of supply, either by unilateral action, special arrangement or negotiation;

(iv) prohibitions;

(v) other techniques, including barter and compensation arrangements.

Supply statistical and other data for the three years 1948 to 1950 to indicate as clearly as possible the total value and the percentage of total imports which is free of restriction or subject to open general licence, and the total values and the percentages imported under the various methods of restriction described above and in answer to Question 4.

QUESTION 4 - STATE TRADING

For restriction of imports made effective through the activities of the state or of enterprises to which exclusive or special privileges have been granted, name the products so restricted and indicate the manner of restriction and the administrative procedures employed.

QUESTION 5 - BASIS OF RESTRICTION

Where the allotment of shares in quotas is based upon "previous representative periods", state the periods selected and give, by products or by groups of products, the reasons for the choice.

QUESTION 6 - INTERNAL DISTRIBUTION OF LICENCES

Describe the administrative arrangements for the distribution of licences among importers insofar as these may affect the interests of supplying countries.
QUESTION 7 - TOKEN IMPORTS

Describe any system of token imports for products which would otherwise be excluded by the operation of the restrictions, and state the products covered.

QUESTION 8 - POLICY OF DISCRIMINATION

If restrictions are not administered strictly in accordance with the rule of non-discrimination in Article XIII, describe the policy pursued at the present time, with relevant references to categories of products and groups of supplying countries. Relate your reply to regional balances of payments. Trade statistics for 1948-50 should be supplied to indicate the effects of the restrictions on imports from various countries and currency areas.

QUESTION 9 - DISCRIMINATORY PRACTICES

Describe the discriminatory practices and relate them to the various methods of restriction described in answer to Questions 3 and 4.

QUESTION 10 - CONSIDERATIONS AFFECTING SOURCE OF IMPORTS

Contracting Parties applying restrictions with discrimination are asked to describe the role played by various considerations in determining the source from which importation is permitted. Contracting parties operating under Annex J are asked to describe the implementation of (i) and (ii) of paragraph 1(a) of the Annex.

QUESTION 11 - BILATERAL AGREEMENTS

Describe any commitments, other than state-trading commitments, in respect of importation of goods subject to import restriction assumed in bilateral agreements with other countries, whether or not contracting parties. Include a statement of the volume and value of imports in 1948 to 1950 by country of origin for the principal products and groups of other products covered by such commitments.

QUESTION 12 - GROUP ARRANGEMENTS

Describe any arrangements with other countries, whether or not contracting parties, which involve more liberal treatment in the administration of restrictions for members of the group than for other countries, and explain the objectives of this discriminatory policy. This statement should include a description of the operation of the group as a whole as well as the part played therein by the country answering the questionnaire. Estimate the progress made to date, the benefits derived from group membership, and the plans for the future. Indicate if and when the same favourable treatment may be extended to non-members, i.e. to other soft-currency countries and eventually to all contracting parties.

QUESTION 13 - PROGRAMS FOR 1951

Describe the policy and programme for 1951 in relation to the main currency areas and the various methods of restriction.

QUESTION 14 - INCIDENTAL PROTECTIVE EFFECTS OF RESTRICTIONS

Describe any steps taken to minimize the incidental protective effects of the restrictions. (Note the recommendations contained in paragraphs 18 and 19 of GATT/CP.4/33).
QUESTION 15 - INFORMATION RELATING TO CERTAIN PRODUCTS

Complete the attached table as fully as possible for a number of items representing a cross-section of imported products. It is suggested that the items selected will not be adequately representative unless they account for at least 30 per cent of the imports of raw materials, food-stuffs and manufactured products, calculating each category separately. (Contracting parties which replied to the 1949 questionnaire (GATT/OP/39) should, as far as possible, select the same items as on that occasion.)

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<th>Tariff No.</th>
<th>Brief Description of the Product</th>
<th>Value of Imports in 1950, or latest available</th>
<th>Whether subject to restriction: (Yes or No)</th>
<th>If subject to one or more bilateral agreements in 1951, name the countries</th>
<th>Method of Restriction by Countries, related to your answers to Questions 3 and 4</th>
<th>Import programme (Quantity or Value)</th>
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T/49
Paragraph 2:

April 30, 1951 is the day proposed by the Secretariat as the final date for the submission of replies to the questionnaire, and it might be suggested that contracting parties be asked especially to adhere to this timetable. The questionnaire will be issued about the middle of December, and four full months should be ample time for all contracting parties to prepare their replies.

To facilitate the review of restrictions under Article XII, and the preparation of the Contracting Parties' second report on the discriminatory administration of restrictions, required by Article XIV:1(g), the Secretariat might be instructed to distribute copies of the replies received and prepare a draft report for submission to the Sixth Session. If copies of each reply are to be distributed to other contracting parties, they should be submitted in either English or French and 50 copies should be sent to the Secretariat. Further, if the Secretariat is to prepare a draft report it would be helpful if the contracting parties could reach a decision at this session, that the review of restrictions pursuant to Article XII:4(b) is to result in the publication of a report and that this should be combined with the second report on the discriminatory administration of restrictions.

Paragraph 3:

If the Working Party decides to recommend the collection of information on the application of import restrictions, under provisions of the Agreement other than Article XII, it might be recommended that each contracting party be asked to submit a statement describing each individual measure of restriction, the circumstances which gave rise to its imposition, the products to which it is applied, and the methods of restriction, together with a note of the provision of the General Agreement under which the measure is maintained. In addition, contracting parties might be asked to furnish copies of each of the laws, regulations, or decrees authorising or enforcing the measures described in the statements submitted.

The Working Party might take note of the fact that the Secretariat has been asked by the Contracting Parties to submit a proposal for the collection of information on export restrictions, and might recommend that these two enquiries be combined.

A recommendation on these lines should propose April 30, 1951 as the final date for the submission of the statements on import and export controls. The Secretariat might be instructed to study the statements received and to submit a memorandum to the Sixth Session.

If the Working Party decides to include this recommendation in its report, it might examine the draft decision attached.
WHEREAS Article XI of the General Agreement on Tariffs and Trade provides that no prohibitions or restrictions other than duties, taxes or other charges, whether made effective through quotas, import or export licences, or other measures, shall be instituted or maintained by any contracting party on the importations of any product of the territory of any other contracting party or on the exportation or sale for export of any product destined for the territory of any other contracting party.

WHEREAS the General Agreement provides several exceptions to the rule of Article XI, and

WHEREAS the Contracting Parties consider it desirable that contracting parties applying import or export prohibitions or restrictions should inform other contracting parties of their action,

THE CONTRACTING PARTIES

AGREE that each contracting party shall advise the Contracting Parties not later than April 30, 1951, whether it maintains any import restrictions (other than those maintained pursuant to Article XII) or export restrictions and, if so, shall supply the following information on each prohibitive or restrictive measure:

(i) the products to which the measure is applied;
(ii) the method of restriction;
(iii) the circumstances which gave rise to the imposition of the measure; and
(iv) the provision of the General Agreement under which the measure is maintained.
Working Party "H" on the Review of Import Restrictions

Revision of GATT/CP.5/5 recommended by the Drafting Group

DRAFT OF QUESTIONNAIRE
FOR
THE REVIEW OF IMPORT RESTRICTIONS APPLIED UNDER ARTICLE XII
AND
THE SECOND REPORT ON THE DISCRIMINATORY APPLICATION OF RESTRICTIONS
UNDER THE TRANSITIONAL PERIOD ARRANGEMENTS OF ARTICLE XIV

General Notes

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2. In answering this questionnaire, contracting parties need not repeat information furnished in response to the questionnaire of October 1949 (GATT/CP/39) but should give references to the relevant sections of their replies.

3. The term "import restrictions" is meant to include restrictions made effective, either directly or indirectly, through state-trading operations; and the expression "state-trading operations" is meant to include the operations of enterprises wherever located to which the contracting party has granted, formally or in effect, exclusive or special privileges.

4. In answering this questionnaire, contracting parties should furnish information and data in respect of restrictions applied to merchandise imported into their non-metropolitan territories to which the General Agreement applies.

5. The replies to this questionnaire should be accompanied by copies of all laws, decrees, etc., not previously furnished to the Secretariat, which have provided for the establishment, maintenance and administration of the restrictions (including samples of public notices issued in compliance with paragraphs 3(b) and 3(c) of Article XIII) and copies of all bilateral agreements (not including state-trading contracts) directly affecting the importation of restricted products in 1950 and 1951.

6. The answers to this questionnaire should reach the Executive Secretary not later than April 30, 1951.
QUESTIONNAIRE

QUESTION 1 - CHANGES IN POLICY SINCE 1948

Describe the extent and nature of changes of policy since January 1, 1948, which have affected the intensity of the import restrictions and their impact on other countries.

QUESTION 2 - THE TECHNIQUE OF RESTRICTION

Describe the methods employed in applying the restrictions (other than those made effective either directly or indirectly through state-trading operations) and the groups of products subject to each method, using the following classification:

(i) import licences without the fixing of quotas;

(ii) the fixing of global quotas;

(iii) the allotment of shares in quotas to countries of supply, either by unilateral action, special arrangement or negotiation;

(iv) prohibitions;

(v) other techniques, including barter and compensation arrangements.

Supply statistical and other data for the three years 1948 to 1950 to indicate as clearly as possible the total value and the percentage of total imports which is free of restriction or subject to open general licence, and the total values and the percentages imported under the various methods of restriction described above and in answer to Question 3.

QUESTION 3 - STATE-TRADING

For restriction of imports made effective either directly or indirectly through the activities of the state or of enterprises to which exclusive or special privileges have been granted, name the products so restricted and indicate the manner of restriction (using the classification suggested in question 2 so far as possible), the scope of the restrictions and the administrative procedures employed.

QUESTION 4 - BASIS OF RESTRICTION

Where the allotment of shares in quotas is based upon "previous representative periods", state the period or periods selected and give, by products or by groups of products, the basis used for the choice.

QUESTION 5 - INTERNAL DISTRIBUTION OF LICENCES

Describe the administrative arrangements for the distribution of licences among importers insofar as these may affect the interests of supplying countries.

QUESTION 6 - TOKEN IMPORTS

Describe any system of token imports for products which would otherwise be excluded from entering the market by the operation of the restrictions, and state the products covered.

QUESTION 7 - POLICY OF DISCRIMINATION

If restrictions are not administered in accordance with the rule of non-discrimination in Article XIII, describe the policy pursued at the present
time, with relevant references to classifications of products and of supplying countries. Indicate whether discrimination is pursuant to the provisions of sub-paragraphs (b) and (c) of paragraph 1 of Article XIV or to the provisions of Annex J. Trade statistics for 1948-50 should be supplied to indicate the effects of the restrictions on imports from various countries and currency areas.

**QUESTION 8 - IMPLEMENTATION OF POLICY OF DISCRIMINATION**

Describe the implementation of the policies discussed in question 7 in terms of the various methods of restriction indicated in answer to Questions 2 and 3.

**QUESTION 9 - CONSIDERATIONS AFFECTING SOURCE OF IMPORTS**

Contracting Parties applying restrictions with discrimination are asked to describe the role played by various considerations which are taken into account in determining the source from which importation is permitted. Contracting parties operating under Annex J are asked to describe the implementation of (i) and (ii) of paragraph 1(a) of the Annex.

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Describe any commitments, other than state-trading commitments, in respect of importation of goods subject to import restriction assumed in bilateral agreements with other countries, whether or not contracting parties. Include a statement of the volume and value of imports in 1948 to 1950 by country of origin for the principal products and groups of other products covered by such commitments.

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**QUESTION 12 - PROGRAMMES FOR 1951**

Describe the policy and programme for 1951 in relation to the main currency areas and the various methods of restriction.

**QUESTION 13 - INCIDENTAL PROTECTIVE EFFECTS OF RESTRICTIONS**

Describe any steps taken to minimize the incidental protective effects of the restrictions. (Note the recommendations contained in paragraphs 18 and 19 of GATT/CP.4/33).
QUESTION 1A - INFORMATION RELATING TO CERTAIN PRODUCTS

Complete the attached table as fully as possible for a number of items representing a cross-section of imported products. It is suggested that the items selected will not be adequately representative unless they account for at least 30 per cent of the imports of raw materials, foodstuffs and manufactured products, calculating each category separately. (Contracting parties which replied to the 1949 questionnaire (GATT/CP/39) should, as far as possible, select the same items as on that occasion.)
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