Uruguay Round

“Governments must face down vested interests” says Sutherland

Ministerial Conference envisaged for April 1994

All governments will have to contribute according to their capacities towards a successful conclusion of the Round. The overall benefits of the Round will clearly outweigh perceived costs in particular sectors. Governments, therefore, must, in the interests of all, be prepared to face down vested interests and to place political leadership before expediency.”

This was the central message given to the 31 August meeting of the Trade Negotiations Committee by its chairman, Peter Sutherland. He told delegates in Geneva to resist pressures to maintain protectionist pressures.

“I recognize that powerful vested interests and lobbies may frequently appeal to your governments to maintain certain short-sighted protectionist positions and to avoid making the offers that are necessary to achieve a substantial and balanced agreement. When faced with such demands, I would ask for political leadership to be demonstrated. We must ensure that the long-term vision of a more effective and expanded multilateral trading system is not blurred and that we bear in mind the much larger, if sometimes more diffuse, constituencies, whose compelling interests do require success.”

Among other points in Mr. Sutherland’s opening statement were:

- That in the market access area, governments should resume negotiations immediately, and in particular to put forward offers, if necessary on a conditional basis, during the next few weeks. Comprehensive offers, in the area of goods, had been tabled by 54 of the 116 participants.

- A call to finalize the text of the framework Agreement on Services and its Annexes in the week beginning 13 September, with a revised text being produced by the Chairman of the negotiating group by the end of September. Offers of initial commitments in services had been tabled by 73 participants.

- An informal group established, under the chairmanship of Ambassador Julio

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TNC

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Lacarte-Muro of Uruguay, to work on the fleshing out of institutional issues in the Draft Final Act; namely the proposed Multilateral Trade Organization and the Integrated Dispute Settlement System. Other significant outstanding Draft Final Act issues will be addressed “at the appropriate time”

• Indicative work plan for the post-December period, leading to a Ministerial Conference in April 1994 at which agreements would be signed.

• Consultations to start on means of giving special attention to the problems and needs of the least developed countries.

Sutherland outlines work schedule

The Uruguay Round Trade Negotiations Committee, on 28 July, agreed a comprehensive schedule of work, proposed by its chairman Mr. Peter Sutherland, aimed at achieving substantial and concrete progress by mid-October. While reporting useful work on market access for goods and services, Mr. Sutherland emphasised the need for urgency, encouraged participants to provide more information on actual or potential concessions and called attention to the large amount of outstanding work related to other parts of the final Uruguay Round package.

On recent market access negotiations, Mr. Sutherland painted a positive picture:

“In both Market Access and Services, the work done has been useful. A large number of meetings and negotiating sessions have been held, and more are planned. What is of even greater significance is the fact that a very large number of delegations have participated in these sessions - bilaterally, plurilaterally and multilaterally. I am informed, for example, that the bilaterals conducted by the United States, the European Communities, Japan and Canada have so far involved about thirty delegations. The atmosphere has remained generally positive and constructive, with governments ready to engage in negotiations quickly and substantively.”

However, Mr. Sutherland referred to some areas which required further attention. Above all, he pointed to a need for greater urgency in the negotiations. “I have said often enough that leaving problems for the eleventh hour is a recipe for failure. If we are to succeed in December, the eleventh hour is now.”

“Despite the optimism created by re-engagement of work in Geneva it appears that some delegations have yet to provide more complete information on concessions that would be possible in the areas of market access and services. At the general level, there has been a delay in the exchange of detailed sectoral information - something which is essential to get negotiations moving.”

In this context, Mr. Sutherland drew attention to the perception of many delegations of linkages between market access negotiations - especially those on textiles and agriculture - and related issues in the Draft Final Act. He called upon participants, nevertheless, to put forward market access proposals, if necessary by making them conditional upon a satisfactory package of contributions from all others and resolution of the normative issues, “otherwise these linkages will directly affect our ability to make the breakthroughs needed to move the process forward.” This was an area which should be looked at closely in capitals during the month of August.

He also noted “the vast amounts of technical work and substantive negotiations which confront us in other areas of the Draft Final Act. Substantial and widely-spread changes in the text are unlikely to be conducive to the success of the Round. Consensus on such an altered package would surely be more, not less, difficult to get. Given the fact that even the purely technical work ahead of us needs time and meticulous attention, all participants will simply have to exercise maximum self-restraint and discipline in this area.

Based on his own assessment and on reports from the Chairmen of the Market Access and Services negotiations groups, Mr. Sutherland outlined short-term schedules of work in three areas:

• First, he proposed that, in the area of Market Access, the TNC should stress the importance of achieving substantive results in the period between now and mid-October. “I believe that for such progress to be achieved it is necessary for all elements to move together - the revised and improved agricultural and non-agricultural offers; sectoral proposals such as steel; and market access-related Draft Final Act issues, especially agriculture and textiles.”

• Second, in the services area, the TNC should stress the importance of intensive negotiations - on initial commitments during September on a bilateral and a plurilateral basis and of achieving agreement on all remaining textual issues in the General Agreement on Trade in Services and its annexes.

• Third, Mr. Sutherland proposed to start immediate consultations on the organization of work, “on certain other complex areas of the Draft Final Act - for example, on the institutional issues.”

Mr. Sutherland also stressed the importance of “using the month of August to receive instructions from capitals, to maintain the pace of bilateral exchanges of offers and to bring renewed expertise and flexibility to the negotiations in early September.”

He announced that the Trade Negotiations Committee would meet next on 31 August, at which time he would propose a concrete work programme based on his consultations with participants. He would also be consulting widely on how the objective of differential and more favourable treatment for developing countries might best be achieved in the Uruguay Round, as agreed at Punta del Este.

A further TNC meeting would take place at the end of September to review the state of play in the negotiations.

The TNC endorsed the proposals put forward by its Chairman.

Re-launching of negotiations

The key message is that the Uruguay Round multilateral negotiations have restarted today in Geneva,” said Mr. Sutherland at the TNC meeting on 14 July, which formally re-launched the multilateral trade negotiations.

Referring to progress in market access negotiations which was announced by the European Community, the United States, Japan and Canada on the eve of the Tokyo Economic Summit on 7 July, Mr. Sutherland told a press conference: “This has been a very positive result which clearly signalled an intent to put the conclusion of the Uruguay Round to the forefront of the political agenda during the coming months. The conclusion of the Round is now an acid test of world leadership.”

Paying tribute to the negotiators in Tokyo, Mr. Sutherland acknowledged the extent to which the leaders of the G7 engaged themselves personally in the process. “I believe it marks a substantial shift from commitment in words, which we

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The QUAD’s initial market-access package

During the G7 Summit Meeting in Tokyo, the Quadrilateral Trade Ministers announced a substantial market-access agreement that made possible the re-engagement of the Uruguay Round negotiations. The text of their announcement on 7 July 1993 is as follows:

“As Ministers responsible for the Uruguay Round negotiations for the United States, Canada, the European Communities and Japan, we believe we have within our reach a far-reaching and comprehensive market-opening package on goods and services which will help spur world-wide economic growth, increase employment and strengthen our fight against protectionism. We look toward a prompt re-engagement of the multilateral negotiating process in Geneva to be concluded by the end of this year.

The realization of this objective will require a fair and equitable sharing of commitments by each of us. Our efforts must be matched by binding market-opening measures by other participants. Mutually agreed solutions will also need to be found to outstanding Draft Final Act issues. Of course, final agreement on a global and balanced package can only be concluded when everything is agreed.

Industrial goods

In respect of trade in industrial goods, our negotiations have focused on the liberalization of tariffs and non-tariff measures and on market access binding commitments. Subject to appropriate contributions by other major producers and exporters and satisfactory resolution of specific non-tariff measure issues, we want to build upon existing market access offers contained in our draft schedules of concessions through a comprehensive and integrated approach, recognizing the desire of some participants to move further in various areas such as wood, paper and pulp, and scientific equipment.

Specifically, we intend to build on the following minimum elements to achieve an overall balanced package in the market:

“We have within our reach a far-reaching and comprehensive market-opening package on goods and services which will help spur world-wide economic growth....”

provide effective market access through tariff reductions and appropriate non-tariff disciplines.

(d) Other tariff cuts: For products other than those subject to (a) and (c) above, we will negotiate tariff cuts by an average of at least one-third. We have also identified a number of sectors where tariffs could be reduced substantially beyond this level, in some cases, possibly beyond 50 per cent.

Agriculture

We look forward to immediate re-engagement of the multilateral negotiations to complete expeditiously the agricultural market access package, including processed products, as an essential component of the agriculture agreement and of a global and balanced Uruguay Round package.

Services

We believe that achieving a substantial package of services trade liberalization commitments is an essential part of a global and balanced Uruguay Round outcome. It is also necessary to ensure that the new multilateral framework (GATS) for services trade will be based on meaningful and concrete market access commitments. We note the extensive list of existing offers covering a broad range of services sectors such as insurance, banking, securities, construction, distribution, tourism, software and computer services, professional and business services, including consulting, engineering, accounting and legal services. We have looked to ways to further expand our respective offers and to reduce limitations inscribed in our respective draft schedules.

Subject to appropriate contributions by other participants, we want to build upon existing market access offers in order to successfully complete the services negotiations. Specifically:

(a) In financial services, we made progress toward more open financial services markets on the basis of liberalization commitments. We will continue our efforts. We are looking to a greater level of commitment from other participants, including commitments which offer a real prospect of liberalization.

(b) In basic telecommunications services, we will pursue a multilateral liberalization of this sector within the framework of the draft GATS with the participation of other countries including those with major telecommunications markets. These negotiations should go forward as soon as possible on the basis of a common detailed agenda we have developed. Questions of modalities to enable the negotiations to continue beyond the Uruguay Round, including the handling of MFN exemption requests, should be resolved by the end of the Uruguay Round negotiations.

(e) In maritime services, we will continue to work toward satisfactory solutions.

(d) In audio-visual services, we will continue to work toward satisfactory solutions for all aspects of this sector.

(e) As to the temporary movement of business persons, we look to substantial commitments, including on intra-corporate transferees, in order to enhance the overall liberalization of trade in services.

Government procurement

In respect of government procurement, we are looking to open further competitive contract opportunities for our goods and services suppliers through an expansion of the GATT Procurement Code.”
The GATT Secretariat, on 11 August, released a short report (see below) on the cost to the consumer of protectionism and the potential benefits the Uruguay Round will bring.

Commenting on the report, Mr. Peter Sutherland, Director-General of GATT, said:

"It is high time that governments made clear to consumers just how much they pay - in the shops and as taxpayers - for decisions to protect domestic industries from import competition. Virtually all protection means higher prices. And someone has to pay; either the consumer or, in the case of intermediate goods, another producer. The result is a drop in real income and an inability to buy other products or services.

"I cannot help thinking if governments were to announce that they were deliberately keeping prices high, there would be a public outcry - but that, in effect, is what they are doing in failing to conclude the Uruguay Round.

"The picture is made worse by the fact that the effects of protection almost always fall most heavily on the poorest sections of society. It is they who, because of low income, have to spend the highest proportion of their household budget on necessities like clothing, footwear and basic food products. And it is exactly in these areas that protection is most common and intense.

"Maybe consumers would feel better about paying higher prices if they could be assured it was an effective way of maintaining employment. Unfortunately, the reality is that the cost of saving a job, in terms of higher prices and taxes, is frequently far higher than the wage paid to the workers concerned. In the end, in any case, the job often disappears as the protected companies either introduce new labour-saving technology or become less competitive.

"The Uruguay Round is now the answer to all the consumer's problems. But, as this brief report shows, it should help considerably. Certainly, it is an issue that should remain firmly in view when governments consider the final phase of the negotiations in the coming months. If not, consumers would be justified in asking some very tough questions about the high prices they are paying for trade protection serving little or no purpose."

Trade, the Uruguay Round and the Consumer

The sting - how governments buy votes on trade with the consumer's money

When trade policies are discussed - nationally or internationally - people as consumers are largely forgotten. Despite their numbers, they do not carry the weight that producers and other lobbies command. Individually, consumers are seldom informed about how the availability, quality, price and choice of the hundreds of items which they buy in the shops each year are affected by trade policy decisions. If they knew how much of their household budgets are determined by decisions to protect individual industries - and for how little effect - they might be shocked.

Equally, when the Uruguay Round is debated publicly, the benefits that would fall to the consumer are usually ignored. This brief study is an attempt to put the consumer interest squarely in the public arena. The figures have been taken from official government sources and independent researchers.

1. How do government decisions on trade affect the consumer?

Virtually all protective policies mean higher prices for the consumer. And if it is not a consumer who pays, it will be a domestic producer. These are some of the main actions taken by national authorities:

Tariffs: governments frequently (and, for the most part, legally within their GATT obligations) raise revenue and protect domestic industries by imposing duties on imported products. If a product has a 25 per cent tariff, the price in the shop will normally be 25 per cent more than its price at the port or airport.

Quantitative restrictions: global quotas and other numerical limits on imports are sometimes legal within the GATT, sometimes not. Either way the intention is to restrict access to the market in such a way that domestic producers of the same product can raise their prices without being forced out of business through lack of competitiveness. Quotas are frequently preferred by those demanding protection because the impact on prices is less obvious than with a tariff. Once again, prices go up in the shops and limits may be so narrow that goods disappear from the shelves altogether.

Voluntary export restraints: these are quotas of an even more costly kind for the importing country. They allow foreign suppliers to charge higher prices than would be possible under a tariff or normal quota. By "bribing" the exporter this way, opposition to the protection is reduced. These restraints have been used to protect the automobile and domestic electronics industries in North America and the European Community.

Subsidies: subsidies are sometimes paid to domestic producers to help them compete with import competition by keeping their costs artificially low. This keeps prices down. Unfortunately, the consumer as a taxpayer ends up paying for the subsidy. In so doing, he is prevented from keeping more of his income to spend on other goods - which may be produced by more efficient industries. One thing is sure: once industries get used to subsidies, it is very hard to wean them away.

Anti-dumping and Countervailing Duties: GATT rules permit governments to impose extra duties on imports where products are shown to be dumped (sold below the normal price in the exporting country) or subsidised, and where the effect of dumping or subsidisation is demonstrated to damage the corresponding domestic industry. While these duties may be justified, they nevertheless always serve to raise the price for consumers or to knock products completely out of the market. Yet very few, if any, countries give much weight to consumer interest when deciding whether to impose such penalty duties. And their use has grown disturbingly in recent years.
Technical trade barriers: governments usually impose standards of safety, quality, public health and environmental protection for good reasons - often in the interests of consumers - and the GATT contains nothing to prevent them from doing so. Sometimes, however, the standards and the procedures which enforce them are no more than hidden protection for domestic producers. In imposing unnecessary measures on imports, governments penalize consumers through higher prices and the non-availability of goods.

2. Protection - some of the price tags

Independent research on the cost of protection is stronger in some areas than others. The following examples we believe to be reliable and soundly based.

Agriculture (general): the accompanying table gives estimates by the OECD of the total transfers, in terms of higher prices and taxes, from consumers to producers during 1992 to pay for government support for agriculture.

Sugar: the US Commerce Department estimated, in 1988, that sugar subsidies added an average of $3 billion a year to American consumers' grocery bills. In 1992, through higher prices and taxes, from consumers to producers in 1992 to pay for government support for agriculture.

For the European Communities, the cost of sugar support arrangements to EC consumers is estimated to have averaged some 3 billion ECUs ($3.3 billion) a year over the period 1979-89. This is an added cost of 40 ECUs per family of four per year for just one item in their shopping bag.

Rice: Japan has maintained a ban on rice imports since 1967. It has ensured high prices for Japanese consumers. Rice selling for $45 to $50 per hundredweight in US shops sells for $175 to $250 in Tokyo. Partly as a consequence, Japan's per capita consumption of rice has fallen from 118 kilograms a year in 1962 to 70 kilograms a year in 1990.

Chicken, eggs and dairy products: Canada operates a system of supply management with respect to eggs, poultry and dairy farming. The system means that access to the market is restricted for imports while levels of domestic production are controlled by government agencies. Other countries - like the EC, Norway, Mexico and Finland - operate similar systems. The result is inevitably higher prices. For instance, in 1990 it was shown that consumers in Buffalo (US) were paying CS1.16 for a dozen large eggs while those in Toronto paid CS1.65. Milk cost CS1.23 for a half-gallon in the US and CS2.81 (2 litres) in Canada. The Buffalo consumer paid CS2.55 for a kilogramme of chicken and CS4.25 for 500 grms of cheese; the same product costing CS5.03 and CS5.20 in Toronto.

Automobiles: the US and the European Community car markets have long been protected from Japanese competition either by formal quotas or through so-called "voluntary export restraints" which require Japanese authorities to maintain limits on the number of cars being exported to particular markets. In 1989, it was estimated that the French limitation of Japanese car imports was raising their prices by 33 per cent at a total cost of around $1.7bn a year to consumers. Taken together, the restrictions which existed at that time in France, Italy, Spain, Portugal and the UK cost consumers around $7bn a year. The same study warned that if individual national restrictions were rolled into a single EC-wide quota it would cost West German consumers who were at that time unaffected by any restrictions on Japanese car imports $1.6bn a year.

Domestic electronics: products like videod recorders, televisions, compact disc players, electronic typewriters etc. are frequently subject to high tariffs, voluntary export restraints and anti-dumping duties. The National Consumers Council of the United Kingdom has estimated that the total consumer cost of these measures in the European Community is almost $1.3bn a year.

3. Are many other consumer products affected by trade protection?

Many. Among them are: alcohol, apple juice, brooms, ceramic ware, fish, fruit, glassware, handbags, ice cream, luggage, medicine, orange juice, peanuts, shoes, tents, and tobacco. Each of these products, along with thousands of others, is affected by one or more measures of protection in most countries.

4. And the effects are far worse for poor families than for the better off

Protection tends to be loaded towards the products which are essentials for any family. Consequently, since the essentials command the biggest proportion of the household budgets of poor families, protection acts as a regressive tax.

Clothing is a good example. The Multifibre Arrangement acts on low-cost products, raising prices and restricting availability; meanwhile up-market goods are seldom affected. Moreover, for the poor consumer, the effect is further exaggerated. Foreign producers will tend to export higher quality and, therefore, more expensive goods, in order to maximize...
their profits from the quota. This quality upgrading effect not only reduces disproportionately the supply of lower-priced clothing, but may also affect the supply of children’s clothing. Where there is the case, the regressive tax effect of the MFA quotas is worsened for the younger, poor families needing to buy children’s clothing.

One study found that while a Canadian family belonging to the highest income group earned six times more than a family in the lowest category, the costs borne by the former group due to protection (tariffs and quotas) on clothing were only about twice as high. 

5. What about consumers in developing countries?

Developing countries often protect themselves against imports. As a result, their consumers certainly have to pay higher prices or, very frequently, are unable to obtain many goods.

But protectionist policies in the industrial world make things much worse. If they cannot export, developing countries cannot import. One recent study showed the effect of quota restraints aimed at the clothing and textiles industry in Bangladesh, one of the poorest countries in the world. The quotas, first introduced in 1985, initially closed many factories and put many people - especially women - out of work. Growth in the industry has re-started since and, as a result, many families are able to buy food and other products which were previously out of their reach. Nevertheless, the MFA continues to restrain the potential growth of the industry and further improvements in the welfare of consumers in a still very poor country.

6. Consumers do not just pay more, they lose out on choice.

Consumers have enjoyed an enormous growth in the range and quality of products in their shops as a result of the multilateral trading system. Many fruit and vegetables are available - even out of season - throughout the year. Exotic foods, never seen just ten or twenty years ago, are now commonly found on supermarket shelves. Cut flowers are being transported fresh by cargo plane daily from Latin America to Europe and North America. The range and sophistication of domestic electronic products would have been unimaginable had their development not been spurred by the availability of a global market.

But protection sets the clock back. Consumers may find products disappear altogether. For instance, quotas and voluntary export restraints on Japanese cars have sometimes meant that lower-cost cars have been excluded from the markets in the EC in favour of filling the allocated share of the market with up-market, high profit-margin models. Ironically, the effect of the arrangement has been to give higher profits to Japanese car companies which have then been able to afford expensive development programmes to produce ever-more sophisticated models.

7. Household costs are not the only consumer cost which go up

Many industries are also consumers of imported goods. Manufacturers can depend on cheaper and better products from overseas in order to maintain their own competitiveness in their domestic market and, especially, in their export markets.

The best example is steel. Many companies require either specialty steel or basic steel products at the lowest possible prices. Unfortunately, because of export restraints, formal quotas, anti-dumping and countervailing duties and high tariffs, companies in North America, the European Communities and elsewhere are often required to pay prices for steel well in excess of those in the world market. Sometimes they cannot even find the precise type or quality of steel they need. They are, therefore, put at a huge competitive disadvantage.

Semi-conductors and other electronic components are also subject to this self-defeating form of protection. Just as the price of steel puts up the price of automobiles, so high tariffs, anti-dumping duties and quotas on electronic components put up the prices of video recorders, personal computers and other advanced consumer electronic products. Meanwhile foreign competitors continue to buy their semi-conductor inputs at world market prices.

8. How does the cost to consumers measure up against the cost of saving jobs?

Consumers might feel good about paying for their household purchases if it was money well-spent in saving domestic jobs. Unfortunately, the process is not cost-effective. Evidence shows that the cost of "saving" a job using tariffs, quotas, subsidies or other measures is normally far greater than the wage attached to the job itself. These are costs that accrue year after year.

The Australian Industries Assistance Commission found, in 1990, that protection of the textiles, clothing and footwear industries cost AS20,000 a job while it cost AS17,000 for every job protected in the motor vehicle industry.

In the United States, the cost of saving a single job in the clothing sector has been estimated at between $36,000 and $82,000. In the United Kingdom, the figure is around £21,000.

Another study in the United States showed the costs per job saved at $240,000 in the orange juice industry, at $135,000 in the ceramic tiles industry, at $420,000 in the colour TV sector and at $1m for specialty steel. The cost per cow of protection in the dairy sector worked out at $1,800.

For agriculture, the OECD has shown that transfers from taxpayers and consumers to support the agriculture sector work out at between $1000 (New Zealand) to $38,000 (Norway) per full-time farmer equivalent per year. The figure for the EC is $13,000, for the US $20,000 and for Japan $21,000. Calculated in terms of transfers per hectare of farmland the figures show the EC at $795, the US at $97 and Japan at $9,708. Despite this, the numbers employed in agriculture in all countries is falling.

Clearly, governments would serve taxpayers and consumers better by concentrating on alleviating the cost of adjustment rather than seeking to prevent the adjustment. In particular, that means aid for training, restraining and mobility of labour.

9. What will the Uruguay Round do for the consumer?

A successful conclusion of the Uruguay Round will benefit people as consumers worldwide.

Tariffs: the overall target is to reduce tariffs by an average of one-third. However, the chances of a much more ambitious result are good. Tariffs in several product areas may be eliminated completely. Already on the table are pharmaceuticals, construction equipment, medical equipment, steel, beer, furniture, agricultural equipment and distilled spirits. It is hoped that other products will also be considered for this zero tariff treatment. In addition, other items - chemicals are an example - should end up with harmonized tariffs at low level. One way or another, import duties on all household items will be reduced substantially over a period of years.

Quotas: the quantitative restrictions which have most damaged consumer interests - namely the voluntary export restraints - would be removed over a period. This does not mean that governments could not take emergency action to protect domestic industries from import competi-
tion. However, it would have to be done in a disciplined and transparent manner, and such controls would have to be dismantled after a period.

**Competition rules:** new rules on anti-dumping duties and countervailing duties should help avoid their indiscriminate abuse.

**Subsidies:** these will be subject to tighter disciplines in the industrial area.

**Agriculture:** domestic support for farmers which encourages over-production and export subsidies will be wound down over a number of years. At the same time, access to markets for agricultural goods will be improved.

**Textiles and clothing:** the Multifibre Arrangement will be dismantled gradually. The rules for offering protection to this sector will ultimately be the same as for all other sectors.

**Counterfeit products:** the Uruguay Round package will include the first multilateral agreement aimed at eradicating trade in counterfeit goods. This is important with respect to the reliability and safety of some products which have been the object of counterfeiting (car brake linings, for instance).

Taken together, these and others of the agreements which make up the Uruguay Round will mean significant improvements in prices, choice and quality for consumer products across the board.

**10. But is one of the prices a lowering of public health and safety standards?**

It has been suggested that some aspects of the existing draft agreements in the Uruguay Round will lead to a lowering of safety standards - for example, restrictions on chemical residues in food. The principal target of this charge is the draft agreement on "Sanitary and Phytosanitary Measures". In essence, this agreement seeks to ensure that measures to ensure safe food for consumers and to prevent the spread of pests or diseases among animals and plants do not amount to unjustified barriers to trade.

The first point is that if there is some justification for them, these measures - even if they restrict trade - are completely permissible within the GATT and would still be permissible after the conclusion of the Uruguay Round. The main objective is to make them transparent, to discourage arbitrary decision-making and discrimination and to minimize any restriction on trade.

The second point is that the new agreement would encourage governments to establish measures consistent with international standards and guidelines - GATT, however, will not itself be establishing such standards. This is important because it could mean a general raising of standards: in many areas even advanced industrial countries do not meet international standards on food safety.

Third, the agreement explicitly permits governments to impose more stringent standards than those agreed internationally. The only condition is that a government so doing might, if challenged, be required to show scientific evidence or some kind of risk assessment to support the measure.

It should also be noted that with the reduction of agricultural subsidies which encourage unlimited production (those supporting farmers' income directly will still be permitted) consumers should see more products produced by less chemical-intensive farming methods in the shops.

**References:**


The Trade Negotiations Committee, on 28 July, agreed to allow countries and territories negotiating their accession to the GATT, but not already participating in the Round, to be associated with Uruguay Round activities.

Following consultations, TNC Chairman Peter Sutherland had proposed that the countries and territories affected would be able to be present at formal meetings of established Uruguay Round bodies and to have access to meeting reports.

This action was agreed by the Committee in order to permit accession countries and territories to familiarize themselves with the negotiations and the likely shape of the multilateral trading system of which they will ultimately be members.
The only leading trading country which had not yet applied for GATT membership - the Kingdom of Saudi Arabia - did so at the Council meeting held on 21 July. "Saudi Arabia is no stranger to the GATT," said Dr. Jobarah Al-Suraisry, Deputy Minister of Finance for International Economic Cooperation, recalling that his country had been an observer to the GATT for many years. During this period, Saudi Arabia had "closely observed the working of the GATT and carefully examined its principles, which (it had) consistently applied".

Dr. Al-Suraisry pointed out that Saudi Arabia was already an active member of regional and international institutions, including the IMF and the World Bank, in which the country "has always promoted free trade and market-oriented policies". He added that Saudi Arabia had been contributing substantial financial resources to many developing countries pursuing such policies.

The Deputy Minister stressed that Saudi Arabia’s economy was "one of the most open economy in the world". Other than a few goods banned for religious and health reasons, the country had no quantitative restrictions and maintained low customs duties.

Many Council members warmly welcomed Saudi Arabia’s application. Pakistan said the membership request was particularly significant because most of the Gulf region had somehow been left outside the formal framework of the GATT. Canada noted that Saudi Arabia was an important trading nation, whose accession into the GATT would benefit the world trading system. Several members like Tunisia, Morocco and Egypt recalled their strong ties with Saudi Arabia.

The Council established a working party to examine Saudi Arabia’s accession application.

In 1992, Saudi Arabia was the world’s 18th largest exporter ($46 billion) and 24th largest importer ($34 billion). It was granted observer status in the GATT in 1985, and became an observer to the Committee on Technical Barriers to Trade in May 1993 (see Focus No. 100). Kuwait, which joined in 1963, is the only Gulf State that is a GATT member.

Banana report examined again

The Council considered for the second time the panel report on the EC member states’ import restrictions and duties on bananas. After examining the complaint lodged by Colombia, Costa Rica, El Salvador, Nicaragua and Venezuela, the panel ruled that the restrictions and duties were inconsistent with GATT provisions.

Costa Rica, speaking on behalf of the complainants, recalled that in June, the EC and other contracting parties had prevented the adoption of the panel report. It pointed out that the panel was established under a 1966 GATT Decision that mandated a 60-day deadline for panels examining disputes between developing and developed contracting parties to submit reports. Thus, it was "absolutely vital" that the report be adopted in consideration of the interests of the weaker contracting parties.

The European Community warned that the panel ruling could complicate ongoing negotiations in the Uruguay Round for an improved dispute-settlement system. It noted that the measures examined by the panel fell under the EC-ACP Lomé Convention. Thus, the Community could not stake out a position on this matter without the consent of its ACP partners.

In particular, the Community objected to the panel’s conclusion that the EC’s preferential treatment of ACP exports was not justified under the GATT provision covering free trade agreements and customs unions because there were no "reversal concessions" involved. It questioned how it could ask concessions considering the economic status of the ACP countries and objections that certainly would be made by other major trading countries.

Jamaica maintained that panel reached flawed conclusions, and that adoption of the report would result not only in a grave injustice to the countries concerned but also cause damage to the integrity of the GATT. It charged that the panel had far exceeded its terms of reference by engaging in a review of the provisions of the Lomé Convention. Furthermore, the panel had failed to address the existence of actual nullification and impairment, and in so doing, had disregarded dramatic increases in the Latin American share of the EC banana market. Jamaica also faulted the panel for not applying the legal principle of "estoppel", in that the complainants had acquiesced for many years in the existence of the EC banana regime.

In the debate that followed, many contracting parties reiterated the positions they had held at the previous Council meeting with respect to the panel report (see Focus No. 100). The United States, which supported adoption, suggested that informal consultations be held on how this matter would be discussed at the next meeting.

The Council agreed to revert to the report at the next meeting in September.

Chile asks for panel on EC measures on apples

Chile requested the establishment of a panel to examine its complaint against EC measures on Chilean apples (see Focus No. 100). It said that an EC offer in recent consultations for an ad hoc solution was unsatisfactory because Chile’s apple harvest season was already over.

Chile complained that the EC restrictions had caused a 40 per cent drop in Chilean apple shipments to the Community, resulting in a US$129 million loss for its fruit producers. It maintained that the case should be treated as a matter of urgency because of the perishable nature of the product involved, the serious damage suffered by its exporters in the current season and because without an effective solution this year, the marketing of the next harvest, which would begin in March 1994, could be affected.

Apple-exporting countries like Argentina, the United States and Australia, and a number of Latin-American countries supported the Chile’s request for a panel.

The European Community questioned the validity of the panel request, arguing that Chile had intended to resort to a panel.
even before the holding of bilateral consultations. This had undermined the consultations process, it charged. The EC representative pledged to recommend solutions to Brussels regarding the 1994 apple harvest of Chile, and expressed readiness to resume bilateral consultations on this matter.

Canada hits US, EC subsidies

Canada complained that a recent decision by the United States to increase the size and scope of its Export Enhancement Programme (EEP) might result in shutting out Canadian wheat exports to an important traditional market.

According to Canada, the United States had granted an EEP allocation of 1.4 million tonnes to Mexico for 1993/94, which exceeded that country’s expected imports for the period. Canada noted that together with the United States, it had filled nearly all of Mexico’s wheat import requirements during the past five years. It charged that the United States was trying to set up a monopoly in Mexico.

Canada said the United States was not alone in using export subsidies to increase market share as ongoing export subsidies by the European Community was also a source of great concern. It said that the EC, from a net importer in the 1970s, had, in 1991, become the second largest exporter of cereals through high levels of export restitutions.

Noting a previous Australian request for consultations on the issue of export subsidies on cereals, Canada said the only workable solution to the problem was an early conclusion to the Uruguay Round. In the interim, Canada called on the United States to reverse its decision to target Mexico, and for the EC to exercise greater restraint in export restitutions.

The ASEAN contracting parties (Indonesia, Malaysia, the Philippines, Singapore and Thailand) said they were gravely concerned over quantitative restrictions imposed in January by the European Community on canned sardines and tuna. They said the EC measure had harmed ASEAN’s substantial trade interests in these products, and were inconsistent with GATT Articles II (Schedules of Concessions) and XI (General Elimination of Quantitative Restrictions). The ASEAN countries said they would continue informal consultations with the EC on this matter but reserved the right to resort to GATT dispute settlement procedures.

The EC stressed that Article 21 of EEC Council Regulation No. 3759/92 on a Community System for imports of canned tuna was a temporary measure. The aim was for full liberalization of the Community market after four years. It added that the volumes of imports allowed were generous, and would be progressively increased. The Community said it would continue the consultations in which it would also seek a solution to the problem of statistical misreporting on this matter.

“Other Business”

The Council considered a number of trade disputes after completing its regular agenda:

- Argentina complained against recent measures that seemed to aim at limiting the entry of Argentinian lemons into the Community. It said the EC countervailing charge on lemons was similar to the measures imposed on Chilean apples (see above). This charge, it said, had risen from ECUs 4.71 to ECUs 46.8, and had effectively halted Argentina’s lemon shipments to the EC, which had traditionally accounted for nearly half of the Community’s imports of the produce.
- Brazil expressed concern over a proposed amendment in the United States Senate to the 1938 Agricultural Adjustment Act which would restrict domestic use of imported “burley” and “flue-cured” tobacco, of which Brazil was the main US supplier. It said that in bilateral consultations, it had warned the United States that the proposed measure would be in contravention of GATT provisions. Chile, Argentina, El Salvador and Guatemala shared Brazil’s concern. The US representative said he would forward Brazil’s concern to Washington.
- Australia complained that in recent consultations, Canada had failed to extend the GATT Article XIX time limit for affected countries to retaliate against Canada’s recent safeguard action on imports of boneless beef. Canada replied that it had consulted with Australia five times on this matter, and would continue with the bilateral talks. It added that its safeguard action still stood in sharp contrast to the voluntary export agreements on beef which Australia had concluded with others.
- The United States said it was concerned that for the past two years, its exports of cut-up poultry to Nicaragua, El Salvador, Guatemala and Honduras had been blocked by measures that appeared to be in violation of the GATT. The Central American countries expressed optimism that the matter would be resolved in bilateral consultations.
- Korea reported that it had reached recently separate agreements with the United States, Australia and New Zealand regarding implementation of panel reports adopted in 1989 (see Focus No. 66). It said it would increase its minimum levels of beef imports from 99,000 metric tonnes this year to 113,000 metric tonnes in 1995, to be applied on an m.f.n. basis.

US-Japan Framework

The United States reported that on 10 July, President Clinton and Prime Minister Miyazawa agreed on a new Framework for talks between the United States and Japan to open markets, encourage growth and address what it said was persistent imbalances in Japan’s trade with the world. The United States said both countries agreed that the benefits under the Framework would be on a most-favoured-nation basis. It was optimistic that the agreement would open markets and expand trade, and thus “will also complement our efforts in the Uruguay Round negotiations”.

Japan said that the Framework represented a new mechanism for consultations between the two countries on addressing trade restrictions and structural issues. It emphasized that in the bilateral agreement, both governments reaffirmed their commitment to an open multilateral trading system.

The EC said that it expected the commitment for the m.f.n. implementation of the Framework would be fulfilled.
GATT starts follow-up of Earth Summit results

Concluding the Uruguay Round successfully and quickly would be the best contribution GATT could make to the follow-up on the results of the UN Conference on Environment and Development (UNCED).

This was a major theme of the initial discussions that launched work in July on the UNCED follow-up in two GATT bodies - the Committee on Trade and Development and the Group on Environmental Measures and International Trade. The two bodies adopted work programmes that envisaged substantial contributions to the GATT Council meeting devoted to UNCED follow-up scheduled for November.

The Committee on Trade and Development

The Committee on Trade and Development (CTD), one of the principal standing committees of the GATT, is responsible for reviewing, discussing and negotiating issues of trade interest to developing countries. The Contracting Parties has assigned it a major role in the GATT follow-up to the UNCED results.

After informal debates on the trade-environment issue in May and June, the CTD held its first formal discussion on the UNCED follow-up on 26 July. It focused on Section A of Agenda 21’s Chapter 2 (“International Cooperation to Accelerate Sustainable Development in Developing Countries and Related Domestic Policies”).

Many delegations stressed that the best contribution GATT could make to sustainable development would be to successfully conclude the Uruguay Round. It was pointed out that greater trade liberalization, including wider market access, would lead to more efficient allocation of natural resources, thus minimizing wastage and pollution. Lowering barriers to exports of developing countries would also encourage economic growth, resulting in more resources for raising national environmental standards.

Specific trade issues discussed included problems in commodity trade and how subsidies and other measures had depressed prices to the detriment of developing countries. Brazil believed that tariff escalation on commodities in the main markets had led to over-exploitation of agricultural lands, and called for a Secretariat study on this matter.

Another point raised was that increasing concerns about the environment could present trade opportunities for developing countries. Norway, speaking on behalf of the Nordic countries, cited as an example the area of packaging where environmentally friendly materials were replacing non-biodegradable products. The European Communities suggested encouraging the transfer of “green technology” to developing countries.

Regarding the work of the Committee, some delegations, including the Nordic countries, the United States and Switzerland, observed that the work in the Group on Environmental Measures and International Trade was more “rules-based”, and that, perhaps, the CTD could embark on a more global and forward-looking agenda. India, supported by several delegations, urged the reactivation of the CTD’s Sub-Committee on Protective Measures. This Sub-Committee examines “any case of future protective action by developed countries against imports from developing countries in the light of relevant provisions of the GATT, particularly Part IV thereof...”

There was general agreement that the work of the Committee and the CTD Chairman’s report at the Special Council on the UNCED follow-up scheduled for November, could follow the outline set in the informal debates: (i) the sustainable development, environment and trade interface; (ii) improving market access, in particular to exports of developing countries; (iii) monitoring and data collection; (iv) relevance of existing GATT rules relating to developing countries, including Part IV, to the concepts of sustainable development, environment and trade; (v) possible future role of the CTD in dealing with matters relating to sustainable development, environment and trade.

The CTD meeting opened with a comprehensive report by UNCTAD on its monitoring and data-collection activities with respect to sustainable development. The International Trade Centre also reported on its trade-environment activities. These were in line with a general understanding that the CTD would take into account work of other organisations and avoid duplication of work. At the meeting, Austria proposed that the CTD invite the Commission on Sustainable Development to also report on its activities.

The Group on Environmental Measures and International Trade

The Group on Environmental Measures and International Trade devoted a full day (6 July) to an initial in-depth discussion on the range of issues in the UNCED Agenda 21 which have been assigned to the Group by the GATT Contracting parties (namely, the Introduction and Section B of Chapter 2).

Many delegations welcomed the launching of the work, with India stressing the importance of countering false propaganda that GATT was indifferent to environmental concerns. The United States suggested that it was no longer realistic for GATT representatives to leave environmental issues to environmental experts because trade and environmental issues now often intersect. Brazil said that the Agenda 21 principles should be fully integrated into the GATT, maintaining that “poverty is the worst polluter in the developing world.”

It was pointed out in many interventions that the Group’s original agenda and its work under it had anticipated many points of international concern in relation to the trade and environment interface which were included in the UNCED results. These points covered a significant portion of the detailed UNCED recommendations, including those relating to transparency; to environmental regulations or standards such as packaging and labelling requirements; and to the relationship between GATT provisions and multilateral environmental agreements.

The discussions, however, brought out the need for the Group to tackle UNCED elements not covered by its regular agenda. These included: dispute settlement; the avoidance of trade restrictions to offset differences in cost arising from differences in environmental standards; special factors affecting environment and trade policies in developing countries; and general parameters within which trade measures should or should not be used for environmental objectives.

The Group agreed to hold further discussions on the follow-up to the UNCED results in October and November to prepare for the November Council meeting on this matter.

The Group on Environmental Measures and International Trade, on 5 and 7 July, pursued work on its regular agenda.
Malaysia's trade regime reviewed

The Council conducted its first review of Malaysia under the trade policy review mechanism (TPRM) on 19-20 July. After the review, the Council Chairman, Ambassador Andras Szepesi, said:

"I believe that his review has shown how Malaysia has benefitted from the multilateral trading system. Malaysia is making significant progress towards opening its own economy and improving transparency in its trade regime. It is well placed to benefit from, and contribute to, a positive conclusion to the Uruguay Round."

The following are excerpts from the Chairman's concluding remarks:

**Macroeconomic and structural issues**

Participants commended Malaysia on the rapid economic growth and social progress achieved since independence and particularly in recent years, and noted that the country was currently the world's 16th-largest trading entity. Malaysia had, in the early 1970s, abandoned its previous policy emphasis on import substitution in favour of an export-oriented approach, under a series of strategic plans.

In observing that the growth of imports had exceeded that of exports during the early 1990s, participants commended Malaysia for avoiding protective trade policies during this period. Indeed, tariff reductions and other liberalization measures had continued and the pace of privatization had increased.

With reference to the narrowness of the manufacturing and export base, the Malaysian representative noted that the electronics industry had evolved from the production and export of components, especially semi-conductors, to consumer and industrial products.

**Trade policies and measures**

Council members commended the steps taken by Malaysia towards achieving an open trading system. These had contributed significantly to its impressive economic development.

**Measures affecting imports.** Members recognized that the customs tariff was Malaysia's main import policy instrument and that the general level of tariff protection (15 per cent, simple average), was relatively low. Concern was, however, expressed that tariff escalation remained high and that peaks of above 50 per cent remained in certain sectors. Malaysia was encouraged to reduce and simplify its tariffs.

Several Council members expressed dissatisfaction that, at present, less than 1 per cent of tariff lines was bound by Malaysia in the GATT. Participants welcomed Malaysia's proposal to bind one-third of its tariff lines in the Uruguay Round and many encouraged Malaysia to increase the coverage of bindings.

Members expressed concern about the lack of transparency and the wide discretion and protective powers implicit in the import licensing system. Denial of import licenses for health or sanitary reasons had economic effects similar to import prohibitions. Information was sought on protection for infant and strategic industries.

Concern was expressed about the trade-distorting effects of local-content requirements in the motor vehicle and certain other sectors. Participants noted that tariffs on imports of fully assembled vehicles ranged from 140 to 300 per cent, and urged that these be reduced.

In reply, the Malaysian representative said that in issuing import licenses, discretion was exercised in a responsible manner, with checks and balances at every step. Published guidelines were available, outlining import licensing and appeal procedures, including to the courts.

Restrictions on certain food items would be addressed in the Uruguay Round negotiations; Malaysia was ready to fulfil the requirements of the agriculture text in the Draft Final Act and was reviewing non-tariff measures affecting farm products under the new National Agriculture Policy. Malaysia, however, has no intention to privatize the National Paddy and Rice Authority.

Parliament has passed new legislation on anti-dumping and countervailing duties; this was awaiting promulgation. A manual of implementing operations and regulations was prepared in consultation with the GATT Secretariat and countries with extensive experience in these areas.

Additional protection was provided to a small number of infant and strategic industries. In general, protection for "infant" industries was removed after five years; for "strategic" industries, protection might be extended for a longer period.

Current procedures for regular review of the tariff structure would be continued; due attention would be given to concerns such as tariff peaks and escalation.

Local-content requirements were applicable to the automotive industry and products granted fiscal incentives. The development of an automotive components industry was seen as a means of upgrading local engineering and technical skills and development capabilities.

**Measures affecting exports.** Members noted that exports of a number of products were subject to export duties and licensing, the reasons for which were not always clear.

The Malaysian representative confirmed that the fees collected on rubber production and exports were exclusively channelled to research and development financing. Export restrictions on logs and rattan were aimed at conserving forest resources, in line with Malaysia's international obligations.

**Malaysia and trading system**

Council members recognized that Malaysia had benefitted significantly from the multilateral trading system and welcomed its active participation in, and commitment to, the Uruguay Round. However, serious concern was expressed over the low level of tariff bindings and lack of participation in the Tokyo Round Codes.

Council members expressed understanding for Malaysia's support for ASEAN economic integration. It was widely emphasised that such integration should be complementary to the multilateral trading system and should not create barriers to trade with third countries.

The representative of Malaysia confirmed that his Government was committed to the strengthening of the multilateral trading system and would assume responsibilities commensurate with the country's level of economic development. In the Uruguay Round negotiations, Malaysia was ready to expand its schedule of concessions to 48 per cent of its imports. Malaysia had recently acceded to the Agreement on Technical Barriers to Trade and was seriously considering participation in various other Tokyo Round Codes. Malaysia's objective in regional integration was the promotion of a more liberal international trading environment.
GATT FOCUS

Sutherland appoints Deputies, reorganizes Secretariat

Mr. Peter Sutherland, on 15 July, appointed three new Deputy Directors-General: Mr. Anwarui Hoda, Mr. Jesiis Seade and Mr. Warren Lavorel. Following these appointments, the Director-General reorganized the GATT Secretariat into four main areas: Office of the Director-General, New Policy Development (Mr. Lavorel), Market Access and Rules (Mr. Hoda), and Trade Policy Research and Analysis (Mr. Seade).

Mr. Hoda was born in India on 18 November 1938 and gained his Bachelors and Masters Degrees from Patna University. Since 1974, he has been working in the Ministry of Commerce dealing initially with the formulation of export incentive programmes. From 1978 to 1981 and again from 1985 until his GATT appointment, he was also the principal official at the Ministry of Commerce dealing with GATT affairs. He has been the main policy-maker in India during the Tokyo Round and the Uruguay Round. Mr. Hoda was born in India on 18 November 1938 and gained his Bachelors and Masters Degrees from Patna University. Since 1974, he has been working in the Ministry of Commerce dealing initially with the formulation of export incentive programmes. From 1978 to 1981 and again from 1985 until his GATT appointment, he was also the principal official at the Ministry of Commerce dealing with GATT affairs. He has been the main policy-maker in India during the Tokyo Round and the Uruguay Round. Mr. Hoda was born in India on 18 November 1938 and gained his Bachelors and Masters Degrees from Patna University. Since 1974, he has been working in the Ministry of Commerce dealing initially with the formulation of export incentive programmes. From 1978 to 1981 and again from 1985 until his GATT appointment, he was also the principal official at the Ministry of Commerce dealing with GATT affairs. He has been the main policy-maker in India during the Tokyo Round and the Uruguay Round.

Mr. Lavorel was born on 29 October 1935 in California. He holds a Bachelors Degree in History and Psychology from the University of California, and a Masters Degree in Economics from Stanford University. From 1975 to 1981, Mr. Lavorel participated in the Tokyo Round as a member of the US delegation resident in Geneva. From 1981 to 1987, he served as the Deputy Chief of Mission, Office of the USTR in Geneva. During this period, which included the Punta del Este Ministerial Meeting. From 1987 until his GATT appointment, Mr. Lavorel served as the US Coordinator for the Uruguay Round.

Mr. Seade was born in Mexico on 24 December 1946 and holds a Bachelors Degree in Engineering from UNAM in Mexico, and a Masters Degree and a Doctorate in Economics from the University of Oxford in the United Kingdom. He has held various academic posts. From 1978 to 1986, he served as an advisor to the Mexican Government. From 1986 to 1989, he worked in the World Bank. From 1989 until his appointment, he served as Ambassador of Mexico and Permanent Representative to the GATT. He was elected to serve on various GATT bodies, including as Vice-Chairman of the Contracting Parties (1992-93) and Chairman of the Committee on Trade and Development (1991-92). He has written numerous articles on economic theory and policy for several specialized publications.

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**September**
- 7-8: Council TPRM: Kenya
- 13: Group of Negotiations on Services (informal)
- 14-15: Textiles Surveillance Body
- 15: WP on Nordics/Baltics Free Trade Agreements
- 16-17: WP on Acc of Slovenia
- 17: Negotiating Group on Market Access
- 20: GNS (informal)
- 20-21: WP on Acc of Honduras
- 22-23: GATT Council
- 27-28: Council TPRM: India
- 27-28: Committees on Milk Powders, Milk Fat and Cheeses
- 27-29: Sub Cttee on Civil Aircraft
- 28-30: WP on China

**October**
- 1: WP on China; GNS
- 5-6: WP on Lomé; Group on Env Measures and Int'l Trade
- 12: Cttee on Customs Valuation
- 12-15: WP on Ac of Chinese Taipei
- 15: NG on Market Access
- 18: GNS (informal)
- 19: Cttee on Import Licensing
- 21: Committee on Trade and Development
- 25: GATT Council
- 29: GNS (informal)

**November**
- 1-2: Council TPRM: Peru
- 2,8: Cttee on Trade and Dev
- 15: GNS (informal)
- 22-23: Council TPRM: Senegal
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**December**
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