GENERAL AGREEMENT ON TARIFFS AND TRADE

THE DISCRIMINATORY APPLICATION OF IMPORT RESTRICTIONS

Preparation of Fourth Annual Report under Article XIV:1(g)

1. It was agreed by the CONTRACTING PARTIES at their Seventh Session that for the purpose of preparing the fourth annual report on the discriminatory application of quantitative import restrictions as required by Article XIV:1(g), contracting parties applying import restrictions for balance-of-payment reasons should furnish a new and complete description of the restrictions in force. To this end the attached questionnaire was drawn up and the contracting parties concerned were asked to furnish answers to the questionnaire three months prior to the opening of the Eighth Session. In order that the Executive Secretary should be supplied with all data required for the preparation of a draft report, the CONTRACTING PARTIES specifically urged that replies as comprehensive as possible be furnished by the indicated date (see L/55 & SR.7/14).

2. As indicated in paragraph 1 of the General Notes preceding the questionnaire, replies are expected from all contracting parties applying restrictions under Article XII. Contracting parties not applying such restrictions need only notify that fact.

3. Contracting parties applying quantitative import restrictions pursuant to Article XII are therefore invited to send their replies to the questionnaire in English and/or French, to the Executive Secretary not later than 17 June 1953. At least three copies should be sent to Geneva by airmail and 50 copies should follow by surface post.
QUESTIONNAIRE

for

THE FOURTH ANNUAL 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. 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.

3. 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.

4. 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 1952 and 1953.

5. Contracting parties are asked to submit their replies not later than 17 June 1953 i.e. three months prior to the opening of the Eighth Session of the CONTRACTING PARTIES. The replies should be prepared in English and/or French. At least three copies should be sent to the Executive Secretary in Geneva by airmail, and 50 copies should follow by surface mail.
QUESTION 1 - THE TECHNIQUE OF RESTRICTION

Describe the methods employed in applying the restrictions other than those covered by question 2 below. Also describe the groups of products subject to each method (and show for each method the proportion of total import trade in the last full year for which information is available), using a classification appropriate to the restrictive system in force, e.g.,

(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.

QUESTION 2 - STATE TRADING

Provide a general statement showing which products or groups of products were imported during the last full year for which information is available by the State or by enterprises to which exclusive or special privileges have been granted and show their proportion to total imports. (Contracting parties answering this question are not expected to include products imported for immediate or ultimate consumption in governmental use and not otherwise for re-sale or use in the production of goods for sale.) Indicate whether the commodities are subject to restriction for balance-of-payment reasons and outline the administrative procedures employed when imposing the restriction. Describe any element of discrimination that may be exercised through the application of restrictions to the purchases of state and monopoly enterprises, and the role of price and other commercial considerations in determining the source from which such imports are obtained.

QUESTION 3 - BASIS OF RESTRICTION

Where the shares in quotas are being allotted on the basis of "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 4 - ACTION TO AVOID DAMAGE TO THE TRADE OF OTHER CONTRACTING PARTIES

(a) Describe any action taken to allow:

(i) the importation of goods in minimum commercial quantities where their exclusion would impair regular channels of trade;

(ii) the importation of commercial samples; and

(iii) compliance with patent, trademark, copyright and similar procedures.

(b) Describe action designed to avoid, in the application of import restrictions, unnecessary damage to the commercial or economic interests of other contracting parties.
QUESTION 5 - POLICY OF DISCRIMINATION

If restrictions are not administered in accordance with the rule of non-discrimination in Article XIII, describe the policy pursued and give relevant references to classifications of products and of supplying countries. Describe the implementation of this policy in terms of the various methods of restrictions indicated in answer to questions 1 and 2. Furnish trade statistics, including those for the last available year, which may help to indicate the effects of the restrictions on imports from various countries and currency areas.

QUESTION 6 - CONSIDERATIONS AFFECTING SOURCE OF IMPORTS

Contracting parties applying restrictions with discrimination are asked to describe the various considerations which are taken into account in determining the source of imports. Contracting parties operating under Annex J are asked to describe the implementation of (i) and (ii) of paragraph 1 (a) of the Annex, giving illustrative examples with regard to (i).

Contracting parties which are governed by Article XIV:1 (b) and (c) are invited to describe the role played by price and other commercial considerations in determining licensing policy by source.

QUESTION 7 - IMPORT ARRANGEMENTS WITH OTHER COUNTRIES

Describe any arrangements or agreements with other countries, whether or not contracting parties, in respect of the importation of goods subject to import restrictions. Include statistics of the volume and value of imports and the proportion of total import trade in the last full year for which information is available by country of origin for the principal products and groups of other products covered by such arrangements or agreements.

QUESTION 8 - IMPORT PROGRAMMES FOR 1953

Describe the policy and programme for 1953 in relation to the main currency areas and the various methods of import restriction.

QUESTION 9 - INCIDENTAL PROTECTIVE EFFECTS OF RESTRICTIONS

Describe the steps taken to minimize the incidental protective effects of the restrictions. (Note the recommendations contained in paragraphs 18 and 19 of the CONTRACTING PARTIES' report on the Use of Quantitative Restrictions for Protective and Other Commercial Purposes.)