CUBAN TARIFF REFORM

Decision adopted by the CONTRACTING PARTIES on 30 November 1957

CONSIDERING

(a) that the Cuban Government intends to apply in 1958 the customs tariff which has been completely revised for the purposes described in document L/737 and in the statement made by the Cuban representative at the fifteenth meeting of the Twelfth Session of the CONTRACTING PARTIES;

(b) that Cuba finds itself in an exceptional trading position and that the general tariff of Cuba will be put into effect as soon as promulgated;

(c) that the application of the revised tariff will involve modification or withdrawal in respect of a number of products of the treatment provided for in Schedule IX; and

(d) that it is the intention of the Cuban Government to enter into negotiations for such modifications and withdrawals pursuant to the provisions of paragraphs 1 to 3 of Article XXVIII or, where applicable, pursuant to the provisions of Section A of Article XVIII, and in order that negotiations may be carried out under the provisions of Article XXVIII, it has notified the CONTRACTING PARTIES within the terms provided for in paragraph 5 of that Article.

NOTING

that the Cuban Government has stated that, in the event of failure to reach agreement in any such negotiations, it may raise the questions involved with the CONTRACTING PARTIES;
DECIDE, pursuant to the provisions of paragraph 5 of Article XXV,

that the application to Cuba of the provisions of Article XI shall be suspended to the extent necessary to enable Cuba, from the entry into force of the new tariff until the thirtieth day after the conclusion of the negotiations, to take action to prevent abnormal imports of products listed in Schedule IX and affected by the negotiations, designed to forestall the effect of the increased rates of duty provided for in the revised Cuban tariff, provided that:

(a) imports shall not be thus restricted below the highest level of imports of the product concerned for the corresponding period in 1955, 1956, or 1957 and, in determining the restrictions to be applied, the Cuban Government shall take into account normal increases in domestic consumption and the desirability of not delaying the entry of goods en route;

(b) that no measure applying such restrictions shall be promulgated until there is practical evidence that the level of imports of the products concerned exceeds such highest level for the corresponding monthly or seasonal period, nor shall provide for any allocation among sources of supply;

(c) that there is no measure consistent with the provisions of the General Agreement which is practicable in order to achieve the purposes referred to in this part of this Decision.

DECIDE FURTHER

that Cuba is eligible under paragraph 4(a) of Article XVIII to resort in the negotiations referred to in this Decision to the provisions and procedures of Section A of that Article where appropriate, provided that Cuba shall at the outset of negotiations indicate the products in respect of which those provisions and procedures are invoked.