the Working Party recommends

(a) that the CONTRACTING PARTIES, by Declaration, place on record an agreed interpretation of paragraph 1 of Article XXIII, viz.: that a situation in which goods are exported by a contracting party in such circumstances as to produce violent disruption of normal competitive conditions which causes, or threatens to cause, serious injury to a significant sector or sectors of production of one or more other contracting parties and where no preventive measures consistent with the General Agreement and its objectives can be found which seem likely to be effective, would be deemed to impede the attainment of objectives of the General Agreement and would justify a contracting party into a territory of which the goods are being imported (1) in having recourse to Article XXIII within the terms of paragraph 1(c) of that Article for the purpose of arriving at a satisfactory adjustment or, alternatively, appropriate relief in accordance with paragraph 2 of that Article;

(b) that the CONTRACTING PARTIES take the necessary steps to provide that if a situation such as described in paragraph (a) should arise in critical circumstances where delay would cause irreparable damage, contracting parties which as set out in paragraph (a) would have the right of recourse to Article XXIII, may take emergency measures, pending a final decision by the CONTRACTING PARTIES in accordance with the procedures of paragraph 2 of that Article.
(c) that the arrangement should provide as follows:

If, as a result of a situation in which goods are exported by a contracting party in such circumstances as to produce violent disruption of normal competitive conditions which causes or threatens to cause serious injury to a significant sector or sectors of production of one or more other contracting parties and no preventive measures consistent with this Agreement and with its objectives can be found which seem likely to prove effective, the matter is referred to the CONTRACTING PARTIES under the terms of paragraph 1 (c) of Article XXIII, and if the CONTRACTING PARTIES in critical circumstances where delay would cause damage which it would be difficult to repair, are not in a position within 30 days of such reference, to reach a final decision or adjustment of the matter or to authorize provisional measures to prevent such damage a contracting party into a territory of which the goods are being imported may apply such provisional measures not otherwise permitted under the Agreement as the situation may require pending a final decision or adjustment by the CONTRACTING PARTIES in accordance with Article XXIII.

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(1) The question was raised in the Working Party as to whether this recourse should be open to any contracting party or only to contracting parties directly affected or associated with the contracting party directly affected in a preferential arrangement. This point was not resolved and, therefore, the following alternative wording must be considered.

(i) a contracting party into a territory of which the goods are being imported which is directly affected or is associated with a contracting party directly affected in one of the preferential areas defined in Annexes A to E.

(ii) a contracting party into a territory of which the goods are being imported and which is directly affected.