Legal and Drafting Committee

ITEMS REFERRED FROM WORKING PARTY IV

(Second list)

The following change to Article XXII and insertion in Article XVIII have been agreed in principle by Working Party IV and are herewith referred to the Legal and Drafting Committee. The Legal and Drafting Committee is also requested to take into account the suggestion in paragraph 2 below concerning the interpretative notes.

1. Article XXII - Consultation

1. Each contracting party shall accord sympathetic consideration to, and shall afford adequate opportunity for consultation regarding, such representations as may be made by any other contracting party with respect to the operation of customs regulations and formalities, anti-dumping and countervailing duties, quantitative and exchange regulations, subsidies, state-trading operations, sanitary laws and regulations, for the protection of human, animal or plant life or health, and generally any matter affecting the operation of this Agreement.

2. The Contracting Parties may, at the request of a contracting party, consult with any contracting party or parties in respect of any matter for which it has not been possible to find a satisfactory solution through consultation under paragraph 1.

The Working Party requests the Legal and Drafting Committee to review the existing discordance between the English and French texts of paragraph 1 on the understanding that the English phrase "... shall afford adequate opportunity ..." expresses the intention of the Article and the French phrase "... facilitera dans la mesure du possible ..." is not an accurate translation.

2. The Working Party agreed in principle with the suggestion of the secretariat (contained in document L/189, P.20) that provisions in the form of regulations relating to specific problems of limited interest could be removed to an annex containing all such regulations, such annex to contain also interpretative notes at present in Annex I. It requests the Legal and Drafting Committee to be guided by this suggestion in its work to the extent possible and feasible.

3. The Working Party agreed to a new paragraph 5(a) to be inserted in the text of Article XVIII (see document W.9/180) and requests the Legal and Drafting Committee to take this into account in its consideration of Article XVIII.