DECISIONS AND RECOMMENDATIONS

Drafts for Inclusion in the Summary Record

It is suggested that the following summaries of the conclusions of the Intersessional Committee on various items discussed on 12 September be inserted at the appropriate places in the record of the meeting.

Procedures for Elections

"The Committee considered that it was not necessary or desirable at the present time for the CONTRACTING PARTIES to lay down rigid rules for the conduct of elections. They therefore considered that the Note by the Executive Secretary (L/490) should be referred to the CONTRACTING PARTIES for information, but that no decision as to its adoption should be taken at the Eleventh Session. Instead, they recommend that the CONTRACTING PARTIES, in the election of the Chairman and Vice-Chairmen, should proceed along the general lines indicated in the suggestion made by the Delegate for Pakistan (W.10/22) at the Tenth Session, and accordingly a meeting of the Heads of Delegations should be held at the opening of the Eleventh Session with a view to reaching agreement on single nominations for the Chairman and Vice-Chairmen."

Commodity Problems

"The Committee considered the Report by the Executive Secretary (IC/W/51) and agreed that in the circumstances no useful purpose would be served by setting up a drafting group or by having a general debate at the Eleventh Session on the points of difference on the SACA. They therefore recommend that the CONTRACTING PARTIES invite the delegations which are principally interested in this question, to consult together early in the Eleventh Session with a view to considering:

(a) whether it appears likely that agreement can be reached along the lines of SACA; or

(b) if not, whether the CONTRACTING PARTIES should continue to concern themselves with the questions of commodity trade and, if so, along what lines?"

Votes for Granting Waivers

"The Committee considered the statement by the Delegate for Cuba at the Tenth Session (L/459). They considered that this statement had served a useful purpose in underlining the importance of great restraint in the use of the waiver provisions of Article XXXV, particularly when they affect the obligations contained in Part I of the Agreement. They considered that it would be difficult and unwise to try to lay down special criteria for
voting in respect of waivers affecting these obligations, particularly as similar caution would also be appropriate in dealing with waivers of other fundamental obligations such as those embodied in Articles XI and XIII. They recommended, however, that the CONTRACTING PARTIES, taking into account the important considerations advanced by the Government of Cuba, should affirm their intention to proceed with caution in considering requests for waivers of obligations in Part I, or from other important obligations of the Agreement, and in particular to take appropriate measures to safeguard the interests of contracting parties in the following ways:

(a) applications for such waivers should be considered only if submitted with at least thirty days' notice. It was recognized, however, that in exceptional cases calling for urgent action this requirement might, by general agreement, be relaxed;

(b) in the interval afforded by such notice, the applicant contracting party should give full consideration to representations made to it by other contracting parties and engage in full consultation with them;

(c) the CONTRACTING PARTIES when examining an application should give careful consideration to any representations that such consultations had proved unsatisfactory, and in general should not grant an application in cases where they are not satisfied that the legitimate interests of other contracting parties are adequately safeguarded;

(d) the decision should include procedures for future consultation on specific action taken under the waiver and, where appropriate, arbitration procedures;

(e) the decision should also provide for an annual report and, where appropriate, for an annual review of the operation of the waiver.

Anti-Dumping and Countervailing Duties

"The Committee considered that, in view of the nature of the subject, it would be desirable for the CONTRACTING PARTIES to arrange for informal consultations between the experts of the interested contracting parties before any decision is taken as to the procedure to be adopted for dealing with the matter."

French Compensation Tax

"The Committee considered the comprehensive report submitted by the French Delegation (L/495) on action taken since the Tenth Session to remove or reduce the tax. A number of representatives made requests on the French
Delegation for supplementary information. It was agreed to submit the report, together with such additional data as may be available for further consideration at the Eleventh Session. The French Delegate also undertook in the meanwhile to consider any cases where the tax was alleged to be having a restrictive effect on the trade of contracting parties.

Application of Article XXXV to Japan

"The Committee heard a report from the Representative of Japan on his Government's consultations with some of the contracting parties concerned and agreed that it would be desirable that this item appear on the Agenda of the Eleventh Session so that the Japanese Delegation would have a further opportunity to discuss the matter at that time in the light of such progress as had then been made. The Representatives of Canada, Germany and the United States, expressed the concern of their Governments at the present situation and hoped that progress would be reported during the Eleventh Session."