INFORMATION SUPPLIED BY URUGUAY

At the request of the Chairman of the Panel (document Spec(62)103) the Uruguayan delegation has supplied certain information for use in the examination of the fifteen cases submitted by it. The material relating to individual cases is being processed and will be circulated to the members of the Panel and to all contracting parties.

The following is a general statement which replies to the various points raised in document Spec(62)103 and is relevant to all the cases under consideration.

Paragraph 3(a)

There has been no change as regards the list of fifteen countries given in document C/W/33 (paragraph 10).

Paragraph 3(b)

In principle, all the measures mentioned in document L/1662 are the subject of representations by the Uruguayan Government.

The Panel will doubtless have noted that certain other barriers to trade, which were mentioned in the notes to document L/1662, may also have prejudicial effects on Uruguayan exports. Our delegation feels that, during the work which the Panel proposes to carry out, the chart in document L/1662 will have to be amended in the light of the information which the other parties concerned may wish to submit to it. I would like to emphasize that, in compiling this chart of restrictions, the Uruguayan delegation has done a very thorough piece of work. Document L/1662, however, does not include all the products of interest to Uruguay which are subject to import restrictions.

Finally, I can inform you that our delegation considers that the Panel will want to study each restriction listed in document L/1662.

Paragraph 3(c)

Uruguay considers that the advantages accruing to it under the General Agreement are nullified or impaired for the reasons given in its general arguments cited in paragraph 4 of document Spec(62)103.

The Panel has suggested that Uruguay might substantiate its arguments not only by reference to the size of its exports, but also to its production or productive capacity in the products in question.

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It is obvious that, in countries having an economy like Uruguay's, which is subject to the uneven and irreversible influences of economies holding a dominant position, production responds directly to the possibilities offered by the home and foreign markets, more especially by the latter, owing to the import requirements created by its development requirements on which the possibility of exerting pressure is limited.

This is a situation essentially different from that in countries whose economic strength permits it to maintain systems under which surpluses of products can be carried over long periods, when the home and foreign markets are unable to dispose immediately of all the production. Furthermore, the restrictions which led to Uruguay invoking Article XXIII were not introduced simultaneously and their consequences have occasionally varied in the course of time.

As the Uruguayan delegation mentioned some time ago, the International Bank for Reconstruction and Development granted Uruguay a loan for the development of its stock-breeding and for increasing its output of meat: the technical reports of the Bank and the FAO, which formed the basis for the loan, could be made available to the Panel and they would demonstrate that the productive capacity of my country under economically normal conditions is much higher than it is at present.

Similarly the Panel could be supplied with calculations made by Uruguayan Government experts regarding the possibilities of increasing the national production of other products if there were more favourable conditions regarding access to markets.

We are at the Panel's disposal on this subject, because we too think that it is a basically important question.

Paragraph 3(d)

The Uruguayan delegation has often found it difficult to determine, on its own initiative or in consultation with the party concerned, whether any particular restriction was or was not compatible with the provisions of the General Agreement. The way in which the work of the CONTRACTING PARTIES in the field of trade restrictions evolves shows that this is a general problem not in any way confined to the Panel's mandate. Article XXIII, moreover, gives equal mention to two situations and even covers a third possibility: the existence of any other situation. The Uruguayan delegation has already submitted document L/1662, which it will supplement with the additional data mentioned in paragraph 4 of document Spec(62)103. The classification of restrictions under the three headings given in paragraph 1 of Article XXIII being considered relevant by the Panel, it may wish to consult the parties concerned and Uruguay if it feels any doubt on this point.
Paragraph 3(e)

The information supplied concerning individual contracting parties as mentioned in paragraph 4 of Spec(62)103 comprises the texts of the representations or proposals made by Uruguay under the procedures set forth in paragraph XXIII:1, as well as the texts of replies received from the parties concerned. The records of the meetings held with each contracting party concerned are included in the submissions. In several cases these records were approved by the party concerned and by Uruguay; in other cases we are transmitting the draft summary records as drawn up by the GATT secretariat. In every case, naturally, the Panel will be able to expand the information contained in these records by consulting the countries concerned.

Paragraph 4

The Uruguayan delegation assumes that the Panel is fully acquainted with the general arguments set forth in the documents and records of the CONTRACTING PARTIES. It has sought to present, for each of the fifteen cases, a set of papers in as concrete, definite and clear terms as possible. The material submitted on individual contracting parties is not identical since the consultations developed differently in different cases. Basically, it is made up of copies of the documents contained in the files of the Uruguayan delegation, supplemented by the necessary comments.

As regards the reference to paragraph 4, to "meaningful statistical evidence", we would need to have more detailed information about the Panel's requirements on this point.

Paragraph 5

When the Panel studies the country-by-country material submitted by the Uruguayan delegation, it will see that in every case Uruguay has expressed simply a desire that the restrictions prejudicial to its export trade should be abolished. In other words, a balance between the rights and obligations is being sought through an expansion of trade, the elimination of restrictions and the full application of the principles and provisions of GATT.

Paragraph 6

The Uruguayan delegation will remain at the disposal of the GATT secretariat to help it in the task entrusted to it under paragraph 6.

Paragraph 7

Our delegation will also take part in all meetings to which it is invited by the Panel, with the constructive intention of increasing Uruguay's trade with the fifteen parties concerned on the basis of reciprocal benefits and in the best spirit of co-operation.