CONVENTION OF ASSOCIATION BETWEEN THE EUROPEAN ECONOMIC COMMUNITY AND THE ASSOCIATED AFRICAN AND MALAGASY STATES
(L/2160/Add.1)

Questions Posed by Contracting Parties to GATT

Revision

GENERAL

Question 1: Is the Convention intended to be an interim arrangement leading to the establishment of a free-trade area in the sense of Article XXIV of GATT? If so, within which period of time is the free-trade area to be created?

Question 2: Do the member States and the Associated States consider that the Convention establishes a single free-trade area embracing all signatories? If so, what are the provisions for elimination of barriers to trade between the Associated States? Do the Associated States contemplate harmonizing tariff and quota treatment on imports from third countries; and, if not, are controls envisaged to prevent transshipment?

Question 3: What arrangements (if any) are envisaged between the Associated States and other countries associated with EEC, viz. Greece and Turkey?

Question 4: Do signatories continue to regard the preferential treatment accorded to primary products of the Associated States as temporary?

Question 5: The Convention does not appear to require the Associated States to apply protective and revenue duties and quantitative restrictions in a manner discriminating against third countries. Is this interpretation correct? Do the Associated States contemplate non-discriminatory application of such measures, and if not, why?

Question 6: Can the contracting parties to GATT assume that signatories will promptly publish, in accordance with GATT Article X, all present tariff and quota provisions and other regulations of trade, and future modifications thereof, affecting commerce among signatories and between signatories and third countries?
TITLE I: TRADE

Chapter 1: Customs Duties and Quantitative Restrictions

Article 2

Question 7: The duties on goods from the Associated States imported into the EEC are to be reduced or eliminated entirely while duties on goods from third countries are to be maintained at a comparatively high level. Does this not imply that these arrangements would be detrimental to the exports of third countries to the EEC?

Question 8: Can the conclusion be drawn from the nature of these arrangements that markets in the European Economic Community would be dominated by the Associated African and Malagasy States? Is it the intention of the EEC that its demand for raw materials will be supplied solely by these Associated States?

Question 9: Does the final sentence in paragraph 2 of this Article commit the EEC not to reduce the common external tariff on these products?

Question 10: Does paragraph 4 mean that agricultural products are excluded from the regulations concerning the gradual abolition of tariffs and other import restrictions?

Article 4

Question 11: Can examples be given illustrating what is meant by "serious disturbances in the conditions of competition" and what measures might be taken?

Article 6

Question 12: Are the exceptions to the general abolition of trade restrictions permitted in this Article the same as those stipulated in GATT Article XXIV:8(b)?

Question 13: Are the provisions of paragraph 4 intended to create rights and obligations, as among those signatories which are GATT contracting parties, going beyond those contained in GATT provisions relating to non-discrimination in State trading?

Question 14: If an associated State and a non-associated State enter into an agreement for regional co-operation, what treatment will be accorded to imports from the latter under the provisions of paragraph 4?
Article 7

Question 15: Assuming an Associated State or States entered a customs union or free-trade area amongst themselves or with other African countries, would the Convention of Association, particularly Article 7, allow the Associated State to extend preferential tariff or quota protection to infant industries of African partner countries against imports from the EEC? If not, and in view of the wide disparity level of development between the African and European areas, would the Convention not constitute a serious barrier to regional economic arrangements in Africa?

Articles 8 and 9

Question 16: Article 8 states that the Convention shall not preclude (inter alia) the establishment of customs unions between Associated States. What procedure is envisaged to ensure that the creation of such customs unions or those provided for in Article 9 does not lead to a rise in external trade barriers in Associated States applying to GATT contracting parties outside the customs union and association which would result in the association contravening Article XXIV:5 of the GATT?

Question 17: In connexion with the foregoing a recent Convention of Association between African States associated with EEC submitted to GATT appeared to set a common external tariff considerably higher than existing tariffs. As this common tariff is not applicable to EEC members is not its likely effect rather to benefit the EEC States at the expense of outside suppliers than to promote industrial development in the Associated States?

Chapter 2: Provisions Concerning Certain Agricultural Products

Article 11

Question 18: Will the member States promptly advise the CONTRACTING PARTIES when any arrangements are made between the Associated States (or any of them) and the Community (or any Member State) in regard to agricultural products similar to European products?

Question 19: Which products are envisaged in this article? Could the EEC determine the treatment of imports of these products from the Associated States in a way that is contrary to the interest of these States, despite the fact that consultations have shown that such interest exists?
Chapter 3: Provisions Concerning Commercial Policy

Article 12

Question 20: Does this imply any restriction on the freedom of signatories to negotiate reductions of tariffs within the framework of the GATT?

Chapter 4: Safeguard Clauses

Article 13

Question 21: What criteria are applicable in determining whether "serious disturbances" have arisen or whether the balance-of-payments position of a country is threatened?

TITLE II: FINANCIAL AND TECHNICAL CO-OPERATION

Article 25

Question 22: Does this mean that persons outside EEC and the Associated States are not allowed to participate or may be excluded from the participation in tenders?

TITLE III: RIGHT OF ESTABLISHMENT

Article 30

Question 23: Can an Associated State and an outside country agree through "regional agreements" on more favourable treatment than that given by the Associated State to other signatories?

TITLE IV: INSTITUTIONS

Article 43

Question 24: Is it possible to foresee the procedures for making decisions within each group of countries?

Article 50

Question 25: What will be the legal effect of resolutions adopted by the Parliamentary Conference?

Does the Association Council's obligation to submit reports mean that the Council may be held responsible in any way?
TITLE V: GENERAL AND FINAL PROVISIONS

Article 61

Question 26: What "international obligations" may have the effect foreseen in this article?

Question 27: What are the implications of this Article and what is meant by "re-examine the situation" in the context of the degree to which Associated States are expected to furnish reciprocity in the form of tariff preferences to Member States?

PROTOCOL NO. 1

Implementation of Article 3 of the Convention

Question 28: Will communications required by Article 1 of this Protocol be available to GATT contracting parties?

PROTOCOL NO. 2

Implementation of Article 6 of the Convention

Article 2(a)

Question 29: In cases where an Associated State maintains a quota for imports from outside countries, will this quota be reduced to the extent that quotas are established or increased for Member States?

What is meant by "an appropriate quota" in the third paragraph?

Article 2(b)

Question 30: What type of restrictions are implied by the words "other than by quantitative restrictions"?

Article 3

Question 31: Will the quotas for countries outside the Convention be made public simultaneously with the publication of quotas for the Member States?

PROTOCOL NO. 3

Concerning "Goods Originating in"

Question 32: Have any further details been worked out as to the regulations concerning origin?