STATEMENT BY THE REPRESENTATIVE OF GREECE
AT THE MEETING OF THE WORKING PARTY ON
21 SEPTEMBER 1964

I have listened attentively to the statements of the representatives of the parties to the Ankara Treaty and in particular to that of the representative of the European Economic Community, which, true to the Community's principles of constituting not a restricted club, but rather a union open to further accessions, gives us yet another example of the spirit underlying it. My Government has also studied very carefully the replies to questions put by contracting parties which are contained in document L/2251. I must say first of all, that the anxiety which we felt after studying the Ankara Treaty, as to its nature and scope, has only been heightened after we read this document.

As stated in the reply to question 16, the task of this Working Party is to examine the provisions of the Agreement in the light of the relevant provisions of the General Agreement, that is to say, Article XXIV, which must be our guide in the matter. As we know, that Article provides inter alia for the granting of a waiver from certain clauses of the General Agreement with a view to the establishment of a customs union through transitional arrangements. This possibility is, however, accompanied by specific conditions which are set forth in Article XXIV, as follows:

1. such transitional arrangements must include a plan;
2. they must include a schedule; from this second condition stems a third, that there must be a precise time-table;
3. the period must be reasonable;
4. the parties to the transitional agreement must enter into reciprocal commitments for establishing a customs union.

In addition, it is clear from all the wording of Article XXIV that a transitional agreement must automatically lead to a customs union, without the attainment of the latter depending on any suspensive condition.
Now, after studying the Ankara Treaty and the replies to the questions submitted, another question arises for us: does this Treaty establish, a precise plan and schedule and reciprocal obligations in the proper sense of the words? In the Treaty which we are examining, there is a time-table only for the preparatory stage, but no such stage is provided for in Article XXIV of the General Agreement. It is therefore difficult for us to arrive at the conclusion that the Ankara Treaty is in conformity with the requirements of Article XXIV. Indeed, attainment of the transitional stage as a whole would seem to depend on a simple hypothesis, namely the following: if, in not less than five years, or in eleven years (and possibly longer), Turkey's economic situation permits it to conclude, in the form of an Additional Protocol, a transitional agreement of association in conformity with Article XXIV, then the suspensive condition will be met, but meanwhile, the following question arises: from the legal point of view, and in the sense of Article XXIV, would there be an association agreement?

The only stage of the Ankara Treaty which is mentioned in some detail is the preparatory stage which, as I have said, is not envisaged by Article XXIV. The other two stages (transitional and final) only sketched in, and furthermore, one might say that they are suppositions, since in accordance with Article 1, paragraph 3, third sub-paragraph of the Provisional Protocol, those stages might be attained only in the very distant future, or even never. No details are given concerning them and no firm commitment is entered into, because after eleven years - and perhaps more - the transitional phase will perhaps begin, and after twelve years the final phase will begin, but nothing is said as to its duration. Thus, apart from the twelve years envisaged for the transitional stage, no time-limits are set for the first or the third stages. Consequently, the twelve-year period of the transitional phase is left floating between two unknown factors.

Furthermore, the Ankara Treaty seems to contain no firm commitment on the part of Turkey, which for an unspecified period takes on no obligations and will begin to take on some only when it thinks fit, since the Association Council acts by unanimous vote.

To conclude these opening remarks, I would add that the Treaty which we are considering raises another question: does the Treaty inevitably and automatically lead to a customs union or does it merely provide for the possibility of concluding a transitional agreement? It is therefore difficult to say at the present juncture and until the conclusion of that transitional agreement (in the form of an Additional Protocol) whether an arrangement exists which could come within the framework of Article XXIV. There exists rather an agreement establishing a preferential system, and it would remain to be considered whether that system is in conformity with the provisions of the General Agreement. Indeed, the provisions of the Ankara Treaty which have immediate effect are those of the Provisional Protocol. As regards the Ankara Treaty itself, if one wished to examine it in the light of Article XXIV, it would be necessary to do so after the expiry of the time-limits provided for in the Provisional Protocol and after the adoption of the Additional Protocol which is also provided for in the Provisional Protocol.