NOTE BY THE CHAIRMAN 
ON MEETING OF 20-21 JULY 1972.

1. The Working Party held its fifth meeting on 20-21 July and continued its discussion on the type of documentation to be provided by the enlarged Communities for the examination of the Treaty of Accession under Article XXIV of the General Agreement.

2. The Working Party had before it a detailed note (Spec(72)79) on the meeting on 29-30 June to which was annexed the revised and improved list of documentation to be submitted by the enlarged Communities.

3. Several members of the Working Party pointed out that the revised list of information, submitted by the Communities at the previous meeting, had been carefully examined in their capitals. This examination had confirmed that the offer by the Communities was still inadequate, in particular with regard to information on preferential duties of acceding countries in relation to paragraph 5(a) of Article XXIV and in the field of agriculture where the Communities' offer did not permit an assessment of the incidence of variable levies and other measures applied. In the view of those members, the Working Party would not be able to carry out a meaningful examination under Article XXIV and to make recommendations in accordance with Article XXIV:7(b) on the basis of the information which the Communities had offered to supply. The requests for information which they had submitted earlier (see document Spec(72)51, annex I) had not been met. They stressed, however, that they were prepared to examine any other data and methodology the Communities could suggest to enable the Working Party to carry out an adequate examination under Article XXIV. They urged the enlarged Communities to reconsider their position so that the Working Party could carry out the mandate given to it by the Council.

4. The spokesman for the enlarged Communities expressed great disappointment on the manner in which the improved offer of the Communities had been received, and recalled his statements at previous meetings regarding the volume and the importance of the documentation offered. In reply to those representatives who maintained that the documentation to be supplied according to the list was not satisfactory, in particular for the examination under XXIV:5(a), he stressed that this documentation was fully adequate, fulfilling the obligations deriving from Article XXIV, and had been so conceived as to meet the concerns expressed on earlier occasions in the Working Party. The Working Party should not embark on a course of action which, with regard to documentation, was without precedent in the history of GATT.
5. The spokesman for the enlarged Communities, in answer to questions, confirmed that the Communities would make the following documents available:

(a) The Common External Tariff and the tariffs of the four acceding countries, annotated to show rights of initial negotiator. (Nomenclature of 1 January 1972.)

(b) A concordance of the tariff nomenclatures of each of the four acceding countries with the Common External Tariff;

(c) Import statistics for 1970 and 1971 of each of the five customs territories, global and by country of origin on the basis of the importing country's tariff line;

(d) A key (working formula) showing the percentage allocation of each acceding country's global imports of an item in its own tariff to the appropriate item or items in the Common External Tariff.

6. Some members of the Working Party indicated that their governments had already started collecting data on products of particular interest to them to be used in the event that the Communities did not find it possible to supply the additional information which these countries had requested. The spokesman for the enlarged Communities took note of the intention of these countries to submit further documentation to the Working Party through the secretariat. For the Communities, however, the material appropriately to be used for the examination would be data acceptable to all members of the Working Party. Any documentation to be supplied by other contracting parties would be submitted on their own responsibility and would in no way engage the Communities.

7. The following questions were asked in order to clarify the views of the enlarged Communities on the use of any documentation submitted by other contracting parties:

Would the Communities agree:

(i) that the secretariat could receive, and circulate to the members of the Working Party, documentation submitted by members of the Working Party other than the enlarged Communities?

(ii) that the secretariat could consolidate and present in a form suitable for the examination data to be submitted by various members of the Working Party, including the enlarged Communities?

(iii) that members of the Working Party could draw on such information in the course of the examination of the Accession Treaty?
8. The spokesman for the enlarged Communities gave the following replies:

(i) The Communities would have no objections to the circulation of material submitted by other contracting parties on the understanding - as already set out in paragraph 6 above - that it would be on the sole responsibility of its authors and would in no way engage that of the Communities.

(ii) The secretariat could not be requested to consolidate data with a view to a presentation of any kind if members of the Working Party objected to such work being undertaken.

(iii) The use, by a member of the Working Party, of any data other than that accepted as valid by the Working Party as a whole would engage only that member of the Working Party.

9. Members of the Working Party said that the mere assembly of data in a consolidated document would not prejudice the examination to be undertaken in the Working Party; they consequently felt that the secretariat should be entrusted with the task of consolidating the information to be supplied both by the Communities and by other members. The spokesman of the Communities considered that it would be premature to take any decision in this respect before the documentation had been made available to the Working Party. It was agreed to revert to the matter at the next meeting. Some members of the Working Party said that this should not prevent the secretariat from giving thought, before that meeting, to the feasibility and to various possible ways of collating and systematizing the material, e.g. by use of computers. They hoped that the secretariat would be prepared at the next meeting to respond to a possible request for its views in most matters.

10. Representatives of developing countries members of the Commonwealth recalled that they had at earlier meetings of the Working Party underlined their particular interest in obtaining full information in, inter alia, the field of preferential duties, i.e. in respect of Commonwealth preferences as well as the Generalized System of Preferences. They reiterated the views they had expressed at earlier occasions that all items appearing in Part II of the Schedule of the United Kingdom were to be considered as bound. They stated furthermore that they would need the technical assistance of the secretariat in the collection of information relevant to the examination of the Treaty of Accession under Article XXIV; it was recalled that the Group of Three had recommended that such assistance be given to the extent possible and that this recommendation had been endorsed by the Committee on Trade and Development.
11. Many members of the Working Party pointed out that the moment when the Accession Treaty would enter into force was coming nearer without any substantial work having yet been carried out. They stressed the necessity of accelerating the work of the Working Party and suggested that a working plan for the autumn be established without delay.

12. On the basis of a suggestion by the Chairman, the Working Party agreed on the following arrangements for the work to be undertaken before the twenty-eighth session of the CONTRACTING PARTIES:

(i) The next meeting of the Working Party will be held during the first week of October. The Working Party will inter alia take up the following matters:

(a) review the situation as regards documentation,

(b) review the situation as regards the question-and-answer procedure, and

(c) discuss the future work.\(^1\)

(ii) At the following meeting, which may be scheduled for the week beginning 23 October, it is expected that the Working Party will proceed to enter into the examination of the Treaty under paragraph 5(a) of Article XXIV.

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\(^1\) Those members who are prepared to do so may discuss the methodology of future work under this item.