UNITED STATES REQUEST FOR A WAIVER

Suggestions by the delegation of Cuba on the modifications to be introduced in the draft waiver (W.9/170)

As was stated at the first meeting of the Working Party which is studying the waiver of obligations requested by the United States Government, our delegation is prepared to recommend to its Government that it should consider this request favourably so long as provision be made for the following items to be inserted in the waiver:

1. That the obligations of the General Agreement which are to be waived be firmly established. If, as the United States delegation have already stated, they request a waiver of the obligations contained in Articles II and XI of the Agreement, the possibility of maintaining the provisions contained in the last paragraph of Article XI as to the method of administering the restrictions thereby established, should be studied.

2. That the United States Government should state clearly the products which are affected by these measures and limit the waiver to these products. With regard to products which might be affected in the future with the application of new quantitative restrictions, the CONTRACTING PARTIES could offer assurance that these cases would be given sympathetic consideration.

3. That a period of time be fixed, on the expiry of which the waiver of the CONTRACTING PARTIES will cease to have effect.

4. That the Government of the United States undertake:

   (a) to develop and apply appropriate measures (including measures of internal policy wherever appropriate) designed to ensure the elimination of the restrictions within the period referred to above;

   (b) to grant to the other contracting parties, as from the time the waiver is operative, a fair and reasonable share of the market for the products concerned, and to grant to imports a total share of the market as favourable as that of a previous representative period that could be discussed;
(c) to communicate regularly to the CONTRACTING PARTIES the total amounts of the product or products the importation of which will be authorized by it during the following licensing period in order to satisfy them that these amounts are fair and reasonable, due account being taken of the imports during a preceding representative period, of the relative importance of domestic production, or the trade in domestic consumption and of the improvement achieved in the efficiency of domestic producers, and of other relevant factors;

(d) to submit an annual report to the CONTRACTING PARTIES in such detail as may be required, and setting out:

(i) the progress made in the relaxation of the restriction authorized;

(ii) the result of the internal measures taken to ensure the elimination of the restriction;

(iii) any change it may be proposing in the method of application of the restriction.

5. On the basis of that report and of any other data which may be submitted to them by other contracting parties, the CONTRACTING PARTIES shall review annually the restrictions operated under this waiver. If, in the course of such a review, they find that the maintenance or application of any restriction is no longer consistent with the conditions and limitations imposed by it or with the undertakings given by the contracting party concerned in accordance with this resolution, they may require that the measure be withdrawn or modified by a specified date.