WORKING PARTY 2 ON ARTICLE XVIII.

Proposed Amendments to Draft 4th Report - WP.2/W.13/Rev.2

Additional Paragraph between paragraphs 2 and 3.

The statement submitted by the representative of Pakistan, together with his verbal explanation, made it clear that the particular problem which he wished to have considered by the Working Party was based on two assumptions, namely -

(a) that the legislation in question existed on the date of the Protocol of Provisional Application, and,

(b) that the legislation contained mandatory requirements that the executive should impose restrictions in accordance with its terms.

Accordingly this report has been prepared on these two assumptions.

Additional sentences after 1st sentence in paragraph 3.

In considering this obligation of notification placed upon a contracting party, the Working Party considered the extent to which it would be possible for other contracting parties to know, in the absence of notification, whether the terms of the Agreement were being observed. It considered this to be a general problem arising out of the provisions of the General Agreement and that procedures existed in Articles XXII and XXIII if it were thought that a contracting party were not carrying out its obligations under the Agreement.

Contracting Parties would in the ordinary course receive representations from their nationals concerning the observance of the terms of the Agreement by other Contracting Parties. Moreover Article X imposed an obligation to publish relevant decrees which would be a further means of obtaining information concerning the administration of the Agreement by a Contracting Party.

Insert in paragraph 5 after sub-paragraph (3) in conclusions.

However, if in those circumstances a Contracting Party sought a release and in the case of an existing measure this release differed from the terms of the measure as at present in force, observance of the decision would also be affected by the terms of the Protocol of Provisional Application. In the particular case considered by the Working Party, it was agreed that there would be no obligation on the Contracting Party to vary the measure in accordance with the decision until such time as the Agreement entered definitively into force. In the meantime, it could continue in force under the terms of paragraph 1 (b) of the Protocol of Provisional Application.