THIRD COMMITTEE: COMMERCIAL POLICY

SUB-COMMITTEE D (ARTICLES 40, 41 AND 43)

NOTES ON SIXTH MEETING

Held Friday, 16 January, 3.00 p.m.


Chairman: Mr. R. J. SHACKLE (United Kingdom)

ARTICLE 40

1. New Item: The Chairman, speaking as representative of the United Kingdom, stated that his delegation, after further examination of Article 40, had found that its provisions in paragraphs 1 and 3 (a) might be liable to misinterpretation. There was no doubt in his mind that the action permitted under these provisions was intended to be non-discriminatory and to make this perfectly clear, his delegation proposed a new paragraph to be inserted after paragraph 3. It was agreed to discuss this proposal at the next meeting.

2. Item 3 (Italy): The Report of the Working Group not being ready, discussion was deferred.

PROPOSED ARTICLE 40:

3. Item 7 (Colombia): It was noted that the Working Group was making progress and would report at the next meeting.

ARTICLE 43

4. Item 28 (Argentina): It was provisionally agreed to substitute "general inter-governmental" for "multilateral" in the fifth line of sub-paragraph II (a), the delegate of Argentina reserving comment for the next meeting.

5. Item 31 (Argentina): The delegate of Argentina pointed out that his proposal involved the deletion not only of the proviso, but of the last part of the final paragraph beginning with the words "and in any event..." in the fifth line. If this were unacceptable, an obligation for Members to inform the Organization of measures taken under paragraph II might be added in place of the deleted phrase.

The delegate of the Netherlands withdrew the reservation (D/W/5) in view of a provision at present under discussion in Sub-Committee J.

He support
No support being forthcoming for the proposed deletion, the retention of the present text was agreed, the Argentine delegation reserving its position.

6. **New Item** (Sub-Committee I of Committee VI): It was agreed to insert, in paragraph I, a new sub-paragraph as follows:

"necessary to the enforcement of laws and regulations relating to public safety"

and to note in the Report that in the view of the Sub-Committee the term "public safety" included "public order".

7. With regard to a question of the delegation of Iraq as to whether the reference in Article 41 to "operation of customs regulations and formalities" included prevention of smuggling, the Sub-Committee expressed the view that since Article 41 was only concerned with matters dealt with in Chapter IV, that reference related only to measures which a Member might consider to have an adverse effect upon its trade.

8. The Chairman announced that when the Agenda of the Sub-Committee would be exhausted, decisions would be taken on all outstanding points, even though other Sub-Committees might not yet have reached a decision on related issues, from which the amendments concerned depended.