Summary Record of the 36th Meeting of Commission A held on Tuesday, 12 August 1947, at 2.30 p.m. in the Palais des Nations, Geneva.

Chairman: H.E. Erik COLBAN.

Technical Articles 16 to 23 and 37.

Before resuming the discussion of the Technical Articles, the CHAIRMAN named the outstanding questions concerning Article 18: 2(c), 21: 3(b) and Article 37.

Notes to Charter text

The CHAIRMAN then called on the Delegate for the Union of SOUTH AFRICA who wished to make a statement. The Delegate for the Union of South Africa declared that he felt concerned about the insertion of notes to the Charter text. He recalled that reservations had been withdrawn in view of these notes and thought that in order to give them an adequate status, it was necessary to have a reference to these notes in the Charter itself. An amendment to this effect submitted by his Delegation had not found approval. He felt that if these footnotes had no standing, his Delegation might have to make reservations. In addition to reservations taking the place of footnotes, the text would be less clear.

The CHAIRMAN pointed out that former reservations and explanatory notes replacing such reservations would be included at the bottom of the text to which they referred, and would in his view give satisfaction.

The Delegate for the Union of SOUTH AFRICA explained that it was not only the question what status these notes would have at the Havana Conference but also what status they would have as interpretative material.

The Delegate for AUSTRALIA supported this view adding that on account of these notes agreement had been possible on the text.
The EXECUTIVE SECRETARY suggested to insert in the introduction to the Report a statement on the position taken by the Preparatory Commission on this point.

The Delegate for BELGIUM agreed with the Chairman that the notes should be dealt with by the Havana Conference which would have to decide on their further fate.

The Delegate of the UNITED KINGDOM thought that a decision on this question should be taken either by the Executive Session of the Preparatory Committee or by the Heads of Delegations.

The Delegate for the Union of SOUTH AFRICA pointed out that a decision could not be postponed because the question affected also the General Agreement. He presumed that the question could be discussed when the Report would be presented for approval in the Executive Session.

The Delegate for the UNITED STATES supported the suggestion to refer the matter to the meeting of the Heads of Delegations. He stated that the notes were approved as interpreting material, but not as part of the text of the Charter. In the latter case they would have to be carefully re-examined.

It was agreed to discuss the question of the notes in a meeting of the Heads of Delegations.

**Article 37**

The Delegates for India, the Netherlands and Norway respectively maintained their reservations or notes to Article 37.

The introductory sentence and sub-paragraphs (a), (b) and (c) of Part I were approved without change.

Sub-paragraph (d) was approved, the words "les pratiques de nature à induire en erreur" being restored in the French text in preference to the change proposed by the Legal Drafting Committee.

Sub-paragraphs (e) and (f) were approved without change.

On sub-paragraph (g) the Delegate for the UNITED STATES, commenting on an Australian amendment concerning the conservation of resources necessary for the defence and security of a Member, pointed out that in his view the substance of that amendment was already covered by sub-paragraph (b) of Article 91.
The Delegate for AUSTRALIA stated that he did not share this view since the provision referred to was too narrow.

The Delegate for CANADA supported by the Delegates for the UNITED KINGDOM and BELGIUM thought the Australian amendment was somewhat too general.

It was decided to postpone the decision on this sub-paragraph. Sub-paragraph (h) was approved without change.

The Delegate for NEW ZEALAND submitted a proposal for the addition of a new sub-paragraph (E/PC/T/W/269) concerning price control in connection with price stabilization. It was decided to postpone the discussion on this proposal in order to allow Members time for study.

The UNITED STATES Delegate, commenting on an amendment on sub-paragraph (a) of Part II submitted by the French Delegation, agreed that there seemed some need for rewording and suggested a formula.

The Delegate for the UNITED KINGDOM suggested that the point could perhaps be met by a fusion of the French and the United States drafts.

The Delegate for BELGIUM pointed out that the technical articles had been studied at great length and there was a danger of abandoning the purpose of Article 37 as a result of the numerous amendments submitted so late. He was supported by the Delegate for Brazil.

The discussion of sub-paragraph (a) was then postponed.

On sub-paragraph (b) the Delegate for NORWAY stated that the present wording did not cover permanent price stabilization and that he had to reserve his decision pending the final form of Article 15.

Subject to this reservation, sub-paragraph (b) was adopted. Sub-paragraph (c) and the concluding sentence of Article 37 were approved without change.

The Delegate for CUBA agreed to a shortened wording of his note attached to Article 17.

The EXECUTIVE SECRETARY made a statement regarding the time table of the final meetings of the Conference.

The remaining points on the technical articles being postponed, the meeting rose at 1.05 p.m.