PREPARATORY COMMITTEE OF THE INTERNATIONAL CONFERENCE ON TRADE AND EMPLOYMENT

COMMITTEE II

Observations of the United Kingdom Delegation on items 8 - 10 of the Provisional Agenda of the Technical Sub-Committee on Customs Procedure.

(Reference is to the Articles of the United States Draft Charter)

Article 15.

(Publication and administration of trade regulations - advance notice of restrictive regulations).

Paragraph 1.

The United Kingdom Delegation are in general agreement with this paragraph, the first sentence of which largely corresponds in substance to Article 4 of the Customs Formalities Convention of 1923.

Paragraph 2.

The United Kingdom Delegation accept the principle (also laid down in that Convention) that members should undertake to prevent the arbitrary or unjust application of their laws and regulations with regard to Customs or similar matters and to ensure redress by administrative, judicial or arbitral procedure. In the United Kingdom it is open to any person aggrieved by any action or ruling of the Customs and Excise Department to submit an appeal to higher administrative authority or to challenge the action in the ordinary courts of law. An independent referee is appointed to arbitrate in dispute on questions of value. The United Kingdom Delegation, like the Norwegian Delegation, would be unable to agree to the institution of any form of special tribunals, and they suggest that, to bring it more closely in line with the Customs Formalities Convention of 1923, the second sentence of paragraph 2 should read:-
"Moreover, they undertake to continue, or to institute as soon as practicable, measures to ensure redress by administrative, judicial or arbitral procedure for those who may have been prejudiced by any breach of this provision."

Paragraph 3.

It is the general practice in the United Kingdom for increases in duty to be made operative immediately and the United Kingdom Delegation would be unable to accept an obligation on the lines of this paragraph, which they suggest should be deleted.

Article 16.

(a) Trade Statistics

Paragraph 1 (a) of Article 16 requires communication to ITO of statistics of imports and exports of merchandise and paragraph 4 provides for ITO to act as a centre for the collection and exchange of information relating to international trade. This subject is also of essential interest to the Economic and Social Council, and the United Kingdom Delegation are inclined to feel that that body, with its Statistical Commission, should have the prime responsibility for the collection of general information on the subject of international trade.

Paragraph 2 states that the statistics of imports and exports furnished to ITO shall be related to tariff classifications, and this would appear to be the true ITO field as distinct from the more general interest of the Economic and Social Council.

In the United Kingdom's view it is only these general statistics that lend themselves to publication in summary form, whereas the statistics in the ITO field are appropriate for studies, mentioned in paragraph 4. The last sentence of that paragraph contemplates that the compilation and publication of summary comparative statistics shall be done by ITO in cooperation with the Economic and Social Council and other organizations. It would seem more appropriate to
the United Kingdom Delegation to say that ITO shall cooperate with these organizations in the compilation and publication, without prejudging the question of who undertakes this.

The adoption of standards laid down in the International Convention on Economic Statistics was accepted by the signatories to that document and there are certain recommendations of the Committee of Statistical Experts appointed by the League of Nations under that Convention, such as the Minimum List of Commodities for international trade statistics, that are essential to the comparability of such statistics. The proposed escape clause at the end of paragraph 7 might well make international comparability impossible. It is a question whether ITO should be the governing body in this connection. In any event, the United Kingdom Delegation recommend that any country wishing to contract out should be required to give a detailed statement of their particular difficulties in complying with the international standard.

Article 17.

(Boycotts)

The United Kingdom Delegation confirm the statement made by the United Kingdom representative at the Sub-Committee's fourth meeting on 5 November, namely that it should be made clear that this Article does not apply to campaigns to increase consumption of products of national origin (viz. in Britain "Buy British), which are not directed against the products of any specific foreign country. This could apparently be achieved by substituting for the phrase "other member countries" in both places where it occurs in the Article, the singular "another member country" and by deleting the words "directly or indirectly."
Corrigendum - E/FC/T/C.II/11

Article 12.

Delete paragraph 2 and insert:-

"2. For the information of other Delegations who may be in doubt about the matter, the value upon which duty is charged in the United Kingdom is, briefly, the price which the goods would fetch on an unrestricted sale in the open market at the time of importation, all costs, charges and expenses having been paid by the seller."