SECOND SESSION OF THE PREPARATORY COMMITTEE OF THE UNITED NATIONS CONFERENCE ON TRADE AND EMPLOYMENT.

WORKING GROUP ON "TECHNICAL ARTICLES".

Summary Record
of the Meeting of the ad hoc Sub-Committee appointed
for the discussion of
Article 21, paragraph 3.
(20th May 1947, 12 noon).

Chairman: Mr. Shackle.

Members of the Sub-Committee: The delegates of Czechoslovakia, France, the Netherlands, the Union of South Africa, the United Kingdom and the United States.

The Chairman, referring to the "Comments by the Legal Officer upon Article 21 and the amendment thereto by the Delegation of Czechoslovakia", stated that in his view the fundamental object of this paragraph was to enable the importer to know at the time of importation to what rates of duties the imported merchandise is subject; regardless of the question whether the applicable laws and regulations are provisional or definitive, the importer should be in a position objectively to determine the amount of duty.

The Delegate of the United States proposed an amendment to alternative No. 2 in the "Comments by the Legal Officer upon Article 21" (the clause on page 2 of these "Comments"), substituting the word "measures" for "laws, regulations, judicial decisions or administrative rulings".

In the ensuing discussion, the Committee debated the various meanings of the term "publication of laws". The Delegate of The Union of South Africa suggested the deletion of paragraph 3, but subsequently withdrew this suggestion.

The Committee reached the following decisions:

1. The following new paragraph should be inserted as Paragraph 2: "No measure of general application taken by any member effecting an advance in a rate of import duty or other charge under an established and uniform practice or imposing a new or more burdensome requirement, restriction or prohibition on imports, or on the transfer of the payments therefor, shall be enforced before such measure has been legally published".

2. Paragraph 2 in the New York version, as amended by the Working Group in its 4th meeting, should be re-numbered paragraph 3, and paragraph 3 of the New York version should be deleted.

The Sub-Committee wished it to be understood that the adoption of the new paragraph 2 is of a provisional nature and does not prevent the Members of the Sub-Committee from proposing changes at the time Article 21 will be debated for final adoption by the Preparatory Committee.