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 2.

(22 May 1947, 9.30 a.m.)

Chairman: Mr. Shackle.

Members of the Sub-Committee: The Delegates for Canada, the
Netherlands, the United Kingdom and the United States.
Also present the Delegates of France and New Zealand.

At the invitation of the Chairman, the delegate of the
United States explained the purpose of the United States amend­
ment (cf. E/PC/T/W/24 add. 1). In the United States, he pointed
out, it is extremely difficult and rare to introduce legislation
to correct a judicial decision in customs matters, which is not
in line with intended policy, and therefore the central authority
must have the right to test such a decision in new cases, a
right which equally applies to importers. The implementa­tion
of any final decision in the specific case to which it refers
remains, however, unaffected.

In the ensuing discussion several delegates made it clear
that the practice in their respective countries was similar.
The United Kingdom delegate stated that in his country customs
authorities are bound by court decisions for all like cases,
and corrections could be achieved only by new legislation which
was not always easy.

Several delegates raised doubts regarding the meaning of
the word "agency" in the American proposal, contending that
remedial action should only lie with a superior authority. The
delegate of the United States then proposed the following changes
in his amendment:

To add the words "the central administration of" before
"such agency";

P.T.O.
To delete the words "any" and "necessary" in the first line; and

To substitute in line 3 "if" for "in cases in which".

The Sub-Committee adopted the Canadian amendment (cf. E/PC/T/W 24) and the United States amendment (cf. E/PC/T/W 24 add. 1) with the proposed changes and accordingly recommends to the Executive Committee in its Report the following addition to Article 21, paragraph 2:

"And their decision shall be implemented by and shall govern the practice of such agencies unless an appeal is lodged with a court or tribunal of superior jurisdiction within the time prescribed for appeals to be lodged by importers, provided, that the central administration of such agency may take steps to obtain a review of the matter in another proceeding if there is good cause to believe that the decision is inconsistent with established principles of law or the actual facts".