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

WORKING PARTY ON TECHNICAL ARTICLES

Summary Record of the Tenth Meeting held on Wednesday, 21st May 1947, at 10.30 a.m. in the Palais des Nations, Geneva.

Chairman: H.E. Erik Colban.

1. Article 16 - Freedom of Transit

The Working Party adopted the report of the Sub-Committee on paragraphs 5 and 6 Document WP.1/AC1/SR1. It was noted that the sub-committee did not recommend any change in the text and merely wished the following paragraphs recorded in the Report of the Working Party:

Relating to Paragraph 5
"With regard to transport charges it would be understood that the principle of paragraph 5 refers to like products being transported on the same route under like conditions."

Relating to Paragraph 6
"The Sub-Committee were in favour of the retention of this paragraph in the New York text, subject to a reservation by the French delegate who will raise this matter when Article 14 will be discussed."

2. Article 21 - Publication and Administration of Trade Regulations

It was noted that the Report of the Sub-Committee on paragraph 3 (WP.1/AC/SR/2) had been distributed but it was agreed that consideration should not be given thereto until the following meeting.
3. Article 37 – General Exceptions to Chapter V.

The Working Party agreed with the suggestion of the Chairman that the amendments proposed to Article 37 should be examined by the full Committee instead of being referred to a Sub-Committee; in addition to the General and Specific Comments contained in the Report of the Drafting Committee, the following amendments had been received:

- Canada: W/24
- China: W/71
- France and Benelux: W/45 and W/46
- South Africa: W/02
- United States: W/23 and W/98

Preamble

It was found that the proposals of the French and Benelux delegations contained in document W/45 gave rise to questions beyond the terms of reference of this Working Party and should therefore be referred to the Preparatory Committee.

Sub-paragraph (a). The Norwegian delegate suggested the addition of the following words, "and to regulate the production and use of alcoholic beverages".

On the suggestion of the CHAIRMAN it was agreed to note in the Working Party's Report that the Norwegian Delegation adhered to the reservation recorded in the Report of the Drafting Committee.

Sub-paragraph (b). During the discussion of the proposal submitted by the French and Benelux Delegations in document W/46, the following variations were suggested:

By the Delegations for France and Benelux (W/46):
"Necessary to protect human, animal or plant life or health if corresponding domestic safeguards under similar conditions exist in the importing countries."

By the United Kingdom Delegation:

"Necessary to protect human, animal or plant life or health."

By the South African Delegation (W/62):

"For the purpose of protecting human, animal or plant life or health."

By the United States Delegation:

"Which are, in fact, essential to protect human, animal or plant life or health."

By the Chairman:

"Necessary to protect human, animal, or plant life or health, provided that corresponding safeguards are applied in the importing country if similar conditions exist in that country."

The Working Party agreed to adopt the wording proposed by the Chairman.

Sub-paragraph (c). The proposal of the Australian Delegate (W/62) to add the words "if taken in accordance with provisions of any international agreement concerning such materials" was not accepted, and the sub-paragraph was adopted without alteration. The Delegate for the United States mentioned that he understood "fissionable materials" would include source materials.

Sub-paragraph (d). Adopted.
Sub-paragraph (e). The Chinese Delegate supported the proposal (Cf. document W/71) of his delegation, recorded in the Report of the Drafting Committee, to the effect that permission should be given for measures "temporarily imposed to prevent arrest or relieve conditions of social disturbance, natural calamity or other national emergencies, provided that such measures are withdrawn as soon as the said conditions cease to exist". He said that his Delegation would not insist upon this alteration if the Working Party found that there were insurmountable obstacles. It was agreed that the views of the Chinese Delegation should be recorded, and sub-paragraph (e) was adopted without alteration.

Sub-paragraph (f). The Delegate for INDIA stated that he did not wish to insist upon his reservation mentioned in the Report of the Drafting Committee. The sub-paragraph was then adopted.

Sub-paragraph (g)  Adopted.
Sub-paragraph (h)  Adopted.
Sub-paragraph (i)  Adopted.
Sub-paragraph (j). The Delegates for INDIA, BRAZIL and NEW ZEALAND sustained their reservations recorded in the Report of the Drafting Committee. The Delegate for INDIA wished to delete all words after "resources". The Delegate for NEW ZEALAND wished to delete the same words and to insert "or other" before the word "resources". The Delegate for BRAZIL said that he would be satisfied with the deletion of the words "pursuant to international agreements or are made effective".
The Delegate for NEW ZEALAND offered to consult with the Delegate for India and report to the next meeting.

The Delegate for the Netherlands stated that he would withdraw his comment recorded in paragraph (a) of General Comments on Page 31 of the Report of the Drafting Committee.

It was agreed that the remainder of Article 37 and Article 15 would be discussed on the following day at 10.30 a.m.

4. Sub-Committees

The CHAIRMAN announced that the Sub-Committees on Article 19 and Article 21, paragraph 3, had completed their deliberations, and that the remaining Sub-Committees would meet at the following times:

- Article 17: 21st May 3 p.m.
- Article 21, paragraph 2: 22nd May 9.30 a.m.
- Article 18: 22nd May 3 p.m.

The Meeting closed at 1 p.m.