COMMUNICATION FROM JAMAICA

The following communication, dated 6 November 1986, has been received from the delegation of Jamaica with the request that it be circulated to all members of the Group of Negotiations on Goods. It contains a proposed draft decision, to be taken by the Group of Negotiations on Goods, which establishes mechanisms for the surveillance of standstill and rollback.

Surveillance of Standstill and Rollback

Decision

(1) The GNG decides, pursuant to Section G of the Punta del Este Declaration, to establish a Standing Surveillance Body to ensure that the commitments to standstill and rollback set out in Section C of the Punta del Este Declaration, and in force since 20 September 1986, are being met.

(2) The Standing Surveillance Body (SSB) will carry out its functions by:

i) requesting the GATT secretariat to circulate notifications made by participants,

ii) requesting the GATT secretariat to provide relevant information,

iii) evaluating the notifications and information with a view to establishing whether the commitments in paras (i)-(iii) of Section C are being met.

(3) The SSB shall be presided by [Government official] or [GATT official] and comprise [-] members. The parties directly concerned in a particular case will be invited to participate.

(4) The findings of the SSB will not imply any legal obligations under the GATT but are intended to indicate prima facie whether there is non-fulfilment of the participants' commitments.
I. STANDSTILL

(1) With respect to the surveillance of standstill the SSB will make the first evaluations and report, with recommendations, on its findings to the GNG. It will submit a factual report of the discussions in the event there is no agreement on the recommendations to be made.

(2) The SSB shall be guided in general by the Objectives of the Punta del Este Declaration and specifically by the commitment made by participants "not to take any trade measures in such a manner as to improve its negotiating positions."

(3) The SSB shall decide on the timetable for the completion of the surveillance process.

(4) The GNG shall decide what steps will be taken in light of the report of the SSB, inter alia, submitting its own report to the TNC. In considering the reports of the SSB, the GNG [and TNC] will consider whether individually or cumulatively, the non-fulfilment of the standstill commitments undermines the Negotiations.

II - ROLLBACK

(1) With respect to the Surveillance of rollback, the Standing Surveillance Body (SSB) will carry out its functions, guided inter alia by the commitments on trade restrictive or distorting measures inconsistent with the provisions of the General Agreement or instruments negotiated within the framework of GATT or under its auspices, namely to:

i) phase out or bring them into conformity within an agreed time-frame "not later than by the date of the formal completion of the negotiations, taking into account multilateral agreements, undertakings and understandings, including strengthened rules and disciplines reached in pursuance of the objectives of the negotiations".

ii) secure "progressive implementation of this commitment on an equitable basis in consultations among participants concerned, including all affected participants. This commitment shall take account of the concerns expressed by any participant about measures directly affecting its trade interests;"

iii) ensure that "there shall be no GATT concessions requested for the elimination of these measures."

(2) The GNG decides to entrust to the Standing Surveillance Body the task of defining the modalities, including the timeframe, for implementing the rollback commitments. The SSB shall report to the GNG within 3 months of its establishment on the progress being made.
III

(1) The SSB shall use the Rules of Procedure adopted by Contracting Parties (BISD/12, Pp. 10-16).

(2) The GNG may request, as appropriate, GATT bodies to assist it in discharging its surveillance function by providing relevant information.