The following proposal, submitted to the Negotiating Group at its meeting on 1 May 1990, is circulated to members of the Group at the request of the delegation of Uruguay.

1. In accordance with point D of the framework and procedures for negotiations adopted by the Negotiating Group on Non-Tariff Measures on 15 February 1990, the delegation of Uruguay submits the following proposal to the Group as a contribution to the discussions on the question of security of concessions relating to non-tariff measures negotiated in the Uruguay Round.

2. This is a preliminary proposal and in view of the complexity of the question discussed it will have to be amended as necessary by the Group in order to cover aspects which may not have been taken into consideration.

3. Owing to the importance which the application of non-tariff measures has acquired for international trade, we consider that they should be the subject of commitments at least equivalent to those undertaken by contracting parties under the General Agreement with regard to tariffs.

4. In order to attain the objectives set out in the Punta del Este Declaration and bring about a wider coverage of world trade under agreed, effective and enforceable multilateral disciplines, as well as to achieve greater stability and predictability in world trade, participants should make the following commitments:

4.1 Once the negotiations on non-tariff measures have been completed, each participant should submit to the secretariat a list that should include:

- the reduction or elimination of the non-tariff measures agreed on during the negotiations;
if such reduction or elimination has been agreed for specific products, it should also include the product for which the reduction or elimination was agreed, as well as the other non-tariff measures affecting the product which were not the subject of negotiations. These measures which were not negotiated should coincide with those contained in column 5 of the offer proposal of the participant in accordance with the format of Annex 2 to document NG2/W/35.

4.2 The products which each participant includes in the list deposited with the secretariat shall enter its territory from the territories of other participants exempt from any non-tariff measure with the exception of those included in the list.

4.3 Participants shall undertake to:

- refrain from applying new non-tariff restrictions on imports of products included in the lists deposited with the secretariat;

- refrain from intensifying the application of the non-tariff measures that were declared at the time of the conclusion of the negotiations and included in the list submitted to the secretariat;

- refrain from applying measures that distort international trade or affect the interests of any of the participants in the negotiations for products included in the list submitted;

- as a general principle the binding of the conditions of access of a product to which no non-tariff measure is applied shall be recognized as a concession equivalent to the substantial reduction or elimination of non-tariff measures applied to a product, having a substantial effect on trade.

4.4 A non-tariff measure is understood to be any administrative, financial, foreign exchange or other measure by which a contracting party prevents, restricts or hinders its imports or distorts international trade or causes injury to the trade of another participant.

4.5 This commitment is without prejudice to the action that may be taken under mechanisms and arrangements explicitly provided for and authorized by the General Agreement.

4.6 Special attention shall be paid to the development, financial and trade needs of less-developed participants. To this end, and in accordance with the objectives of Part 4 of the General Agreement and Points B.IV to B.VII of the Punta del Este Declaration, developing contracting parties may, in special circumstances, request the contracting parties to waive these commitments for them for a specified period.
4.7 The procedures provided for in the relevant articles of the General Agreement shall be fully applicable to this commitment, in particular those covered by Articles XVIII, XXII, XXIII, XXVII and XXVIII.

5. Our delegation considers that the Group, with the secretariat’s assistance, should study the form which a commitment of this kind could take.