

RESTRICTED

21 February 1955

PROPOSED CHANGES IN "HARD-CORE" DECISION, W.9/202

1. Substitute the following for the final paragraph on page 1:

Decide that, subject to the concurrence of the contracting parties in each case, they shall permit temporary departures from the obligations of Article XI in order to allow the maintenance of a restriction applied on the import of one or more products to meet the exceptional circumstances described in the Preamble above, provided that the application for concurrence in such restriction shall meet the requirements outlined in paragraph 1 below, and that the applicant contracting party is prepared to accept the undertakings set forth in paragraph 2 below, and provided further that the decision to give such concurrence shall be taken by a majority of votes cast.

The first paragraph at the top of page 2 would then be deleted.

2. Substitute the following for paragraph 1(a) on page 2:

(a) that the restriction has been continuously in force since 1 January 1955, and that the sudden removal of it would result in serious injury to a domestic industry having received incidental protection from the restriction, and that the temporary maintenance of the restriction is necessary to enable the industry to adjust itself to the situation created by the removal of the restriction.

3. Delete the phrase in the parentheses in paragraph 2(a) on page 2.

4. Substitute the following for paragraph 2(c) on page 2:

(c) that it will carry out a policy for a progressive relaxation of each restriction and for its elimination before the end of the period referred to in paragraph 1(c) above.

5. Put a comma at the end of the first sentence on page 3 and add the following:

and in any case not later than 31 December 1957.

6. Put a comma at the end of the first sentence in paragraph 4, page 3, and add the following:

having regard both to the information provided by the applicant contracting party and to the considerations set out in the preamble to such Decision.

7. Insert the following as a new first sub-paragraph in paragraph 4, page 3, and reletter the succeeding sub-paragraphs accordingly:

(a) No authorization shall have a duration exceeding five years from the date it is granted.

8. Substitute the following for paragraph 4(a), page 3, (which, in accordance with the above relettering, becomes paragraph 4(b)):

(b) No restriction the maintenance of which is authorized under such a waiver shall be administered in a way inconsistent with the provisions of the General Agreement relating to the non-discriminatory application of quantitative restrictions, or, in the case of a restriction made effective through State trading, with the provisions of Article XVII of the General Agreement.

9. Delete "internal" in the present paragraph 4(c)(ii) (which becomes 4(d)(ii)) on page 3.

10. Substitute the following for paragraph 5, page 4:

5. The granting of any authorization to a contracting party in accordance with this Decision shall not preclude the right of other contracting parties to have recourse to Article XXIII.

11. Delete paragraph 6, page 4.