

2 March 1955

PROPOSALS BY THE SPECIAL DRAFTING GROUP ON THE QUESTIONS
RAISED BY THE BELGIAN REPRESENTATIVE

1. Amend the title of the draft decision (W.9/230, page 4) to read:

"DRAFT DECISION DEALING WITH THE PROBLEMS RAISED FOR CONTRACTING PARTIES
IN ELIMINATING IMPORT RESTRICTIONS MAINTAINED DURING A PERIOD OF BALANCE
OF PAYMENTS DIFFICULTIES"

2. Replace, in the fourth paragraph of the Preamble the words "balance-of-payments reasons" in the sixth and seventh lines, by the words: "during the period of balance-of-payments difficulties".

3. Replace in the second line on page 8 of W.9/230 the words "paragraph 4" by the words "Section B".

4. Insert the following text in the Working Party's report:

"In the course of the discussion, the representative of Belgium asked certain clarifications from the Working Party regarding the applicability of the draft decision annexed to this Report to the special circumstances of Belgium and requested that the answers to his questions be recorded in this Report.

"The Belgian representative asked whether a country like Belgium, which had ceased to be in balance-of-payments difficulties at the time the Decision was adopted by the CONTRACTING PARTIES, could be eligible under that Decision. The Working Party made it clear that nothing in the Decision would prevent a country in the position of Belgium from availing itself of the facilities of the Decision in accordance with its provisions.

"The Belgian representative wished to have an assurance that, when they consider applications under the Decision, the CONTRACTING PARTIES would take due account of the particular features of the restriction system of the applicant country, especially as regards the undertakings to be accepted and the requirements to be met. The Working Party recognized that the Belgian case was a special one in the sense that the main supplier was a partner in a customs union which, under Article XXIV, has to be treated as a single customs territory, and that the trade in the products subject to restrictions is regulated inside Benelux by special arrangements between the partners of that customs union. It noted also that the CONTRACTING PARTIES have to concur in each case and, therefore, to consider all cases on their merits subject to the terms of the Decision. Moreover, the notes relating to paragraphs A:3(c) and B:3 were intended to introduce as much flexibility as appeared appropriate in the application of those provisions and indicated clearly the spirit in which the CONTRACTING PARTIES would apply those provisions to individual cases. The Working Party felt that these notes went a long way to meet the problem raised by the Belgian representative.

"The Working Party confirmed that the Decision would enter into force as soon as it is approved by the CONTRACTING PARTIES and that Belgium could communicate its request for concurrence immediately after that approval.

"Finally, the Belgian representative asked whether it would be possible to submit an application during an intersessional period. The Working Party agreed that, if an application were submitted when the CONTRACTING PARTIES were not in session, the applicant contracting party would be entitled to expect that its application would be dealt with promptly and was of the opinion that the intersessional procedures were adequate to ensure this result."