

DRAFT ANNEX TO THE REPORT OF
THE WORKING PARTY ON THE BELGIAN AND LUXEMBURG REQUESTS
FOR WAIVERS

Draft submitted by several Members of the Working Party

DRAFT QUESTIONNAIRE IN RELATION TO EACH ITEM
INCLUDED IN THE BELGIAN REQUEST FOR A WAIVER

1. Product.
2. Tariff item number.
3. Provisions of tariff -
 - (i) Rate of duty
 - (ii) Whether duty bound or unbound
 - (iii) Any special features relating to the administration of the tariff item.
4. Nature of the quantitative import restrictions affecting the product, showing separately for (a) Netherlands, (b) other suppliers -
 - (i) whether the import restriction takes the form of a complete prohibition, a seasonal prohibition or a quota system;
 - (ii) (if a seasonal prohibition) the periods during which imports are (a) freely admitted, and (b) prohibited entirely or admitted only under special permission;
 - (iii) eligibility for quota(s) in any instance where quota(s) are not available to all suppliers;
 - (iv) the size of quotas;
 - (v) method of determining quotas including the rôle of any advisory or other committees that may exist.
5. The reasons why it is considered necessary to maintain each import restriction and the considerations that cause each import restriction to take its particular form. (Information should be provided to explain the reasons for any difference in the case of a particular restriction between the treatment accorded to imports from The Netherlands and imports from other countries.)
6. The date of imposition of the restriction.
7. Details of imports during each of the last three years by sources of supply (is the Belgo-Luxemburg Economic Union the relevant unit?).

8. Production of each product during each of the last three years (in the case of Benelux separate figures are needed for Belgo-Luxemburg Union and The Netherlands).
9. Exports of each product during each of the last three years. (Note: Comments should be made on the statistics shown under Items 7, 8 and 9 which would assist in bringing out the extent to which the demand in the Belgo-Luxemburg Economic Union for each product concerned is normally met by imports from (a) The Netherlands and (b) other countries).
10. The period required for the complete removal of the quantitative import restrictions. (Note: In cases where the difference in cost as between the Economic Union and The Netherlands is the basic reason for the restriction, the present order of the cost difference should be shown in regard to each product).
11. The likely affect of the sudden and complete removal of the quantitative import restriction.
12. Method of adjustment to enable such effect to be avoided and prospective time-table for such adjustment.
13. Policy for progressive relaxation of the restriction.
14. Alternative measures and reasons why resort to them is considered impracticable: (a) higher tariffs; (b) seasonal tariffs; (c) subsidies; (d) other measures (including, where appropriate, the invocation of Articles of the GATT allowing for departure from the rule in Article XI:1 in special circumstances).
15. Undertaking to grant other contracting parties a fair and reasonable share of the market: amount of market to be assured to these other parties and method of determining amount: method whereby administration of the restrictions will be adjusted if necessary to comply with this undertaking.
16. Undertaking of non-discrimination: method whereby administration of the restriction will be adjusted if necessary to comply with this undertaking.

GENERAL QUESTIONS IN RELATION TO BELGIAN REQUEST FOR A WAIVER

1. L/357 refers to a review of the restrictions which will be maintained by the Belgian Government. Are there any quantitative restrictions on imports of any agricultural or fishery items other than those listed in L/357/Add.2? If so, what are they and what are the Belgian Government's intentions in regard to them? Does the Belgian Government propose to release immediately the items withdrawn from L/357/Add.2 during the discussions in the Working Party?
2. What are the obligations Belgium has undertaken in Benelux as regards imposition of tariffs or quantitative restrictions against third parties and the granting of preferences to The Netherlands? The reply should be accompanied by relevant documents, where not already submitted, including L'accord de Pre-Union of 15 October 1949 (Annex 4 Chapter 1) referred to in Article 7 of the Protocol of 21 October 1950?
3. It is noticed that the Protocol of 21 October 1950 requires Belgium, so long as it retains products on List A, to impose restrictions on imports of these products from third countries. Is not this requirement qualified by Belgium's obligations under the GATT?
4. What would be the objections from the point of view of (a) Belgium, (b) The Netherlands to replacing Belgium's quantitative restrictions on imports from third countries by special duties, taxes de licence or other charges on imports from third countries into Belgium not chargeable on similar imports into The Netherlands; and would the objection be the same in the case of List A items and other items? Do the provisions of the Customs Union allow in any circumstances for the imposition of such charges?
5. What is the history of the policy for establishing free exchange of agricultural products within Benelux? What success in this policy has been achieved to date?
6. Will the Belgian Government describe the various means available to it and/or the Netherlands Government for attaining a common level of agricultural prices and give as much indication as possible of the means which are likely to be adopted?
7. How is it expected that the policy of harmonization will affect the relation of Benelux costs to those of other countries? What do the Belgian Government foresee the position is likely to be when harmonization is completed? If harmonization is effected at a level above that of competitors, can we be assured that the present quantitative restrictions will not be extended to Benelux as a whole?

8. It is noted from statements of the Belgian Delegation that Belgium has it in mind to reduce the total amount of restriction over the seven year period by eliminating restrictions on each product in turn. Presumably this hope is founded on the knowledge that some restrictions will be easier to remove than others. In view of this, cannot the Belgian Government give a more precise indication than hitherto of the time by which it is hoped to remove restrictions on some of the products?

9. It is noted that in the case of a large number of items, particularly fish and certain horticultural items, imports from The Netherlands are not regulated either by minimum prices or any other arrangements. In regard to certain of these items, the Belgian Delegation has already indicated that it might be possible for restrictions to be abandoned comparatively soon. Cannot the Belgian Government give a clear indication of the time at which they might hope to eliminate, or at any rate to start on substantial reduction of, the restrictions? What precisely are the obstacles which stand in the way? Do they include the need for consultation or co-ordination of action with The Netherlands? (It would help in the understanding of this situation if the Belgian Government would describe the restrictions at present operated by The Netherlands.)

10. How will the policy of harmonization as between the Belgian and The Netherlands' agricultural industries help in the relaxation of restrictions on the items referred to in the first sentence of question 9?