

GENERAL AGREEMENT ON TARIFFS AND TRADE

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Intersessional Committee

SUMMARY RECORD OF THE MEETING

held at the Palais des Nations, Geneva
on 26 April 1960

Chairman: Mr. E. WYNDHAM WHITE (Executive Secretary)

Subject discussed: Article XXVIII:4 - Request by Australia
(GATT/AIR/193(SECRET))

The Chairman recalled that the Committee had agreed, at its meeting on 20 April, that there were "special circumstances" justifying the granting of authority to Australia to renegotiate, under Article XXVIII:4, the items it had notified in GATT/AIR/190(SECRET) and GATT/AIR/191(SECRET). The Committee now had to decide whether these "special circumstances" similarly applied in the case of the Australian request (GATT/AIR/193(SECRET)) now before the Committee. (At its meeting on 20 April the Committee had agreed that, as a matter of principle and because representatives had had no time to seek instructions from their governments, consideration of the Australian request should be deferred until 26 April. It had felt justified in relaxing the ten-day rule for the convening of meetings in this case, as it appeared that the "special circumstances" which Australia would claim in respect of this further request would be similar to those claimed in the case of the requests contained in GATT/AIR/190(SECRET) and GATT/AIR/191(SECRET).)

The Committee found that the "special circumstances" put forward by Australia in regard to the two requests the Committee had considered on 20 April applied equally in the case of the present request and agreed that Australia should be granted authority to renegotiate, under the provisions of Article XXVIII:4, the items notified in GATT/AIR/193(SECRET).

The Chairman pointed out that the renegotiation of the concession in the preferential tariff would be between Australia and the United Kingdom only. The renegotiation of the concession in the most-favoured-nation tariff would in any case take place between Australia and the country with whom the concession was originally negotiated. Apart from any claims to a "principal supplying interest" or "substantial interest" which might be put forward at the meeting, such claims could also be put forward subsequent to the meeting. Any contracting party which considered that it had a "principal supplying interest"

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or a "substantial interest", as provided in paragraph 1 of Article XXVIII, should communicate such claim in writing and without delay to the Australian Government and at the same time inform the Executive Secretary. Any such claim recognized by the Australian Government would be deemed to be a determination by the CONTRACTING PARTIES within the terms of Article XXVIII:1. If agreement could not be reached between the Australian Government and a contracting party the matter could be referred to the CONTRACTING PARTIES.

The representative of Czechoslovakia claimed, on behalf of his Government, a "substantial interest" in the concession in the most-favoured-nation tariff.