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| (a) | '3URFHGXUHV | XXQH Questions Affecting the Interests of a Numb 0013umb 0013um6 | | | 612 |
| (c) | 'HFLVLRQ RQ '3,PSURYHPPHQWV WR WKH *\$77 'L.V.S.X.W.H 64HWWOHPH | | | | 614 |
| (d) | Consultations on residual import restrictions..... | | | | 614 |
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1. Each contracting party shall accord sympathetic consideration to, and shall afford adequate opportunity for consultation regarding, such representations as may be made by another contracting party with respect to any matter affecting the operation of this Agreement.

2. The CONTRACTING PARTIES may, at the request of a contracting party, consult with any contracting party or parties in respect of any matter for which it has not been possible to find a satisfactory solution through

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&RPPXQLW\ UHFRUGV WKH IROORZLQJ

³\$W WKH 7ZHOIWKH &RPPXQLW\ WKH Intersectoral Committee to continue

by the CONTRACTING PARTIES R Q 1 R Y H P E H U 13 K R X I C G D S A C S of such consultations appear in the table at the end of this chapter.

During the discussion at the Thirteenth Session of the Procedures above, the representative of France, speaking for the EEC, stated that

³ 7 K H 6 L [K D G D J U H H G W R V X E P L W W R W K H Q R U P D O X F A Q V X O W D had already initiated consultations. This procedure left aside the theoretical issues and envisaged, within the framework of Article XXII, a number of concrete cases. Under the consultation procedure an opportunity was afforded to examine step-by-step, as and when measures were taken by the Community, the extent to which these measures might create damage for other contracting parties, either actual or in the near future and predictable in a precise way. The Six were prepared to consult on problems arising from the implementation of the procedures.

In summing up the discussion,

³ 7 K H & K D L U F E R O U referred to the point made by many delegations that the implementation of the consultation procedures under Article XXII should not necessarily be postponed until there had been actual damage, or even until action which might result in damage had been taken. The representative of France, as spokesman of the six Member States, had pointed out that consultations should not be based on purely hypothetical grounds and that whatever procedures were adopted they should be generally applicable to all contracting parties and not specifically confined to the six Member States. In this connexion, the Chairman referred to the provisions of both Article XXII and the procedures the CONTRACTING PARTIES had just adopted for the implementation thereof. R U H I H U H Q F H Z D V P D G H L Q H L W K H U F D V H text of Article XXII merely provided that sympathetic consideration and ample opportunity for F R Q V X O W D W L R Q V E H D F F R U G H G W R V X F K μ U H S U H V H Q W D W L R Q V ¶ to any matter affecting the operation of the General Agreement. 7 K H F R Q F H S W R I D μ U H S U H neither prejudice the basis for a consultation nor convey the implication that any damage must necessarily be established. The representative of France, as spokesman for the six Member States, had rightly observed that, for consultations under the procedure just approved to be fruitful, problems of a practical and concrete nature and not just vague apprehensions should be discussed. This did not preclude any contracting party wishing to put forward views on the effects on its trade of any possible action, making representations in order that the six Member States in formulating their commercial policy could have due regard to what might be the subject of future consultations. The view had been expressed that contracting parties should be kept informed of developments in the commercial policy of

30XWXDOO\ DJUHHG VROXWLRQV WRT Article XXII and XRIU P<DruS\ UDLV
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Since entry into effect of the 1989 Decision, requests for consultations have been circulated by the Secretariat in the DS/ document series since entry into force of the WTO Agreement (and thereby the DSU). Such requests have been circulated to Members and observers in the WTO, in the WT/DS series.

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consultations held under paragraph 1 of Article XXII do not lead to a satisfactory solution, any of the parties to the consultations may request that consultations be carried out by the CONTRACTING PARTIES pursuant to paragraph 2 of Article XXII. Alternatively, a country whose interests are affected may resort to paragraph 1 of Article XXIII, it being understood that a consultation held under paragraph 1 of Article XXII would be considered by the CONTRACTING PARTIES as fulfilling the conditions of paragraph 1 of Article ; ; , ,²²

See section III below concerning the source of ArticleXII:2, in the proposal of Pakistan during the Review Session for a provision for consultations on decline in the take of primary commodities exported by developing countriesResort to the provisions of ArticleXII:2 was referred to in connection with discussions on commodity trade which continued after the Review Session.

The Report of the Working Party in the Fourteenth Session of, P S D F W R I & R P P R G L W \ 3 U R
, Q W H U Q D W L R Q D O 7 U D G H ' G e n e r a l A g r e e m e n t O f W o r l d
The General Agreement on Trade and Tariffs provides for bilateral and multilateral consultations of which governments may avail themselves when difficulties arise in international commodity trade. « Contracting parties, whether importing or exporting countries, can avail themselves of the provisions of Article XXII of the General Agreement and initiate consultations under that Article when difficulties arise in
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place on changes in tax adjustments, whether notified or not such consultations would be held within the scope

, Q D 'HFLVLRQ RQ ³\$UUDQJHPHQWV IRU & RQVX⁴⁸On International Trade Q 5 HVV
between contracting parties, the CONTRACTING PARTIES recommend consultations on such practices on a bilateral
or multilateral basis as appropriate. The Decision does not refer to Article XXII.

7KH 5HSRUW RI WKH :RUNLQJ 3DUW\ RQ WKH \$FFHVLRQ RI 3ROD

statLQJ WKDW ³ZKHUH D JUDYH WKUHDW KDV DULVHQ-developed/country HO\ WR D
 consequent upon measures taken by the government or government organizations of another contracting
 party the former may be able, at the discretion of the CONTRACTING PARTIES, to invoke the procedure of
 PXOWLODWHUD⁵⁴ On Response to Present Rev of Article XII:2 was proposed by a subgroup of
 Review Working Party IV.⁵⁵ The changes to Article XXII were effected through the Protocol Amending the
 Preamble and Parts II and III of the General Agreement, and entered into force 7 October 1957.

London

Discussion: EPCT/C.II/38

New York

Discussion: EPCT/C.6/29, 40, 105

Rep W*1.(C.)--2(ts)4(:)] TJ ET Q q 48.48 350.45 :

V. CONSULTATIONS UNDER ARTICLE XXII

A. CONSULTATIONS NOTIFIED UNDER THE 1958 PROCEDURES OR REFERRED TO IN SESSION OR COUNCIL RECORDS

The following table lists consultations notified formally under the 1958 procedures, referred to in Session or Council discussions. As in many cases consultations have been held without formal notification, this list is necessarily incomplete. The date referred to is that of preference) the date of the communication reproduced, or the date of issuance of the document first listed, or the date of the meeting at which a request for consultations was made; a reference to a

| | Effect on Trade in Bananas of Rome Provisions on Associations of Overseas Territories | United Kingdom | Brazil, Dominican Republic, United States | Six EEC Member States | L/838, IC/SR.41, SR.13/8 p. 37, SR.14/L/1007, L/1006 |
|---------|--|----------------|---|-----------------------|--|
| 15Aug58 | Effect on Trade in Tea of Rome Treaty Provisions on Associations of Overseas Territories | India | Indonesia, Japan, Pakistan, Sri Lanka, United Kingdom | Six EEC Member States | |
| 04Jun | | | | | |

| Date | Name | Applicant | Requests for Joinder | Respondent | Document references |
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