

**ARTICLE X**

**PUBLICATION AND ADMINISTRATION  
OF TRADE REGULATIONS**

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I.	TEXT OF ARTICLE X .....	293
II.	INTERPRETATION AND APPLICATION OF ARTICLE X.....	294
A.	SCOPE AND APPLICATION OF ARTICLE X.....	294
1.	Paragraph 1 .....	294
	(1) <i>“Laws, regulations, judicial decisions and administrative rulings of general application”</i> .....	294
	(2) <i>“published promptly in such a manner as to enable governments and traders to become acquainted with them”</i> .....	295
	(3) <i>“Agreements affecting international trade policy”</i> .....	296
	(4) <i>“confidential information”</i> .....	297
2.	Paragraph 2 .....	297
3.	Paragraph 3 .....	297
	(1) <i>“a uniform, impartial and reasonable manner”</i> .....	297
	(2) <i>“date of this Agreement”</i> .....	298
B.	RELATIONSHIP BETWEEN ARTICLE X AND OTHER ARTICLES .....	298
C.	NOTIFICATION IN GATT .....	300
1.	General understandings .....	300
2.	Notifications provided for by specific provisions of the General Agreement or decisions of the CONTRACTING PARTIES.....	301
D.	TRADE POLICY REVIEW MECHANISM .....	305
E.	NOTIFICATION PROCEDURES DURING THE TRANSITION TO THE WORLD TRADE ORGANIZATION.....	308
III.	PREPARATORY WORK .....	309
IV.	RELEVANT DOCUMENTS (FOR ARTICLES V-X) .....	310

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I. TEXT OF ARTICLE X

Article X

*Publication and Administration of Trade Regulations*

1. Laws, regulations, judicial decisions and administrative rulings of general application, made effective by any contracting party, pertaining to the classification or the valuation of products for customs purposes, or to rates of duty, taxes or other charges, or to requirements, restrictions or prohibitions on imports or exports or on the transfer of payments therefor, or affecting their sale, distribution, transportation, insurance, warehousing, inspection, exhibition, processing, mixing or other use, shall be published promptly in such a manner as to enable governments and traders to become acquainted with them. Agreements affecting international trade policy which are in force between the government or a governmental agency of any contracting party and the government or governmental agency of any other contracting party shall also be published. The provisions of this paragraph shall not require any contracting party to disclose confidential information which would impede law enforcement or otherwise be contrary to the public interest or would prejudice the legitimate commercial interests of particular enterprises, public or private.

2. No measure of general application taken by any contracting party effecting an advance in a rate of duty or other charge on imports under an established and uniform practice, or imposing a new or more burdensome requirement, restriction or prohibition on imports, or on the transfer of payments therefor, shall be enforced before such measure has been officially published.

3. (a) Each contracting party shall administer in a uniform, impartial and reasonable manner all its laws, regulations, decisions and rulings of the kind described in paragraph 1 of this Article.

(b) Each contracting party shall maintain, or institute as soon as practicable, judicial, arbitral or administrative tribunals or procedures for the purpose, *inter alia*, of the prompt review and correction of administrative action relating to customs matters. Such tribunals or procedures shall be independent of the agencies entrusted with administrative enforcement and their decisions shall be implemented by, and shall govern the practice of, such agencies unless an appeal is lodged with a court or tribunal of superior jurisdiction within the time prescribed for appeals to be lodged by importers; *Provided* that the central administration of such agency may take steps to obtain a review of the matter in another proceeding if there is good cause to believe that the decision is inconsistent with established principles of law or the actual facts.

(c) The provisions of sub-paragraph (b) of this paragraph shall not require the elimination or substitution of procedures in force in the territory of a contracting party on the date of this Agreement which in fact provide for an objective and impartial review of administrative action even though such procedures are not fully or formally independent of the agencies entrusted with administrative enforcement. Any contracting party employing such procedures shall, upon request, furnish the CONTRACTING PARTIES with full information thereon in order that they may determine whether such procedures conform to the requirements of this sub-paragraph.

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## II. INTERPRETATION AND APPLICATION OF ARTICLE X

### A. SCOPE AND APPLICATION OF ARTICLE X

#### 1. Paragraph 1

##### (1) “*Laws, regulations, judicial decisions and administrative rulings of general application*”

The Panel Report of 1988 on “Japan - Trade in Semiconductors” examined, *inter alia*, a claim by the EEC that lack of information on a monitoring scheme for export prices to third-country markets, and lack of information concerning conditions for improved access to the Japanese market, contravened Article X. The Panel findings provide as follows.

“The Panel considered the contention of the EEC that the measures applied to exports of semi-conductors to third countries and the measures to improve access to the Japanese market lacked transparency and therefore contravened Article X. The Panel felt, however, that the present case did not call for a decision on that point. The measures under examination had been found to be inconsistent with Article XI. At issue was thus their elimination or bringing them into conformity with GATT, not their publication.

“As for the measures to improve access to the Japanese market, the Panel, on the basis of the evidence analysed in paragraphs 125 and 126 above, was unable to identify any measure constituting a requirement, restriction or prohibition on imports required to be published by Article X.”<sup>1</sup>

The 1988 Panel Report on “Canada - Import, Distribution and Sale of Alcoholic Drinks by Provincial Marketing Agencies” examined the operation of provincial liquor monopolies in Canada, and found, *inter alia*, as follows:

“... The Panel considered that Canada had the right to use import monopolies to raise revenue for the provinces, consistently with the relevant provisions of the General Agreement. ... It ... asked itself whether the fiscal elements of mark-ups, which produced revenue for the provinces, could also be justified as ‘internal taxes conforming to the provisions of Article III’, noting that Article III:2 itself referred, not only to internal taxes, but also to ‘other internal charges’. The Panel was of the view that to be so considered, the fiscal element of mark-ups must of course meet the requirements of Article III. ... The Panel also considered it important that, if fiscal elements were to be considered as internal taxes, mark-ups would also

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<sup>1</sup>L/6309, adopted on 4 May 1988, 35S/116, 161 paras. 128-129.

have to be administered in conformity with other provisions of the General Agreement, in particular Article X dealing with the Publication and Administration of Trade Regulations”.<sup>2</sup>

**(2) “published promptly in such a manner as to enable governments and traders to become acquainted with them”**

The Panel Report of 1989 on “EEC - Restrictions on Imports of Dessert Apples, Complaint by Chile” examined, *inter alia*, the claim by Chile that the licensing and deposit system on dessert apple imports introduced by the EEC on 6 February 1988 and administrative arrangements by the member states putting this into effect were not published promptly in such a manner as to enable governments and traders to become acquainted with them as required under Article X:1 (first sentence).

“The Panel first examined the EEC’s system of restrictive licensing applied to imports of apples from April through August 1988 under Article XI, as consistency with this Article was the primary determinant of the conformity of the EEC’s system with the General Agreement, before proceeding to consider the measures under Articles XIII and X and Part IV of the Agreement. ...

“The Panel found that the EEC had observed the requirement of Article X:1 to publish the measures under examination ‘promptly in such a manner as to enable governments and traders to become acquainted with them’ through their publication in the Official Journal of the European Communities. It noted that no time limit or delay between publication and entry into force was specified by this provision. However it interpreted the requirements of this provision as clearly prohibiting the use of back-dated quotas, whose use by the EEC in the case of Chile had already been the subject of a finding under Article XIII (above)”.<sup>3</sup>

The 1989 Panel Report on “EEC - Restrictions on Imports of Apples, Complaint by the United States” examined claims by the United States regarding the same EEC measure, including a claim that the publication of notice by the EEC on 21 April 1988 of the imposition of quotas for the period of 15 February to 31 August 1988 was inconsistent with Articles XI:2, X:1 and XIII:3(b). The EEC denied that it had violated any notification or publication requirements or applied a quota retroactively.

“The Panel first examined the EEC’s system of restrictive licensing applied to imports of apples from April through August 1988 under Article XI, as consistency with this Article was the primary determinant of the conformity of the EEC’s system with the General Agreement, before proceeding to consider the measures under Articles XIII and X of the Agreement. ...

“The Panel recognized that, given its finding that the EEC measures were a violation of Article XI:1 and not justified by Article XI:2(c)(i) or (ii), no further examination of the administration of the measure would normally be required. Nonetheless, and even though the Panel was concerned with measures which had already been eliminated, it considered it appropriate to examine the administration of the EEC measures in respect of [Articles XI:2(c) (last paragraph), X:1 and XIII:3(c)], in view of the questions of great practical interest which had been raised by both parties.

“The Panel found that the EEC had observed the requirement of Article X:1 to publish the measures under examination ‘promptly in such a manner as to enable governments and traders to become acquainted with them’ through their publication in the Official Journal of the European Communities. It noted that no lapse of time between publication and entry into force was specified by this provision.

“The Panel noted that EEC Commission Regulation 1040/88 of 20 April 1988 published, *inter alia*, a quota allocation of 17,600 tons for ‘other countries’, including the United States, for the period up to 31 August that year. Use of this quota allocation was measured in terms of applications for import licences. However, licensing of imports had been in effect since 14 February 1988 (Reg. 346/88). Therefore, utilisation of the quota published in April was counted as from 14 February. The quota allocation

<sup>2</sup>L/6304, adopted on 22 March 1988, 35S/37, 88-89, para. 4.20.

<sup>3</sup>L/6491, adopted on 22 June 1989, 36S/93; arguments 36S/115-116, paras. 6.1-6.2, findings 36S/133, paras. 12.1, 12.29.

announced on 20 April 1988 thus covered a quota period which began on 14 February 1988 and ended on 31 August 1988.

“... The Panel therefore considered that the allocation of back-dated quotas did not conform to the requirements of Article XIII:3(b) and (c). It also interpreted the requirements of Article X:1 as likewise prohibiting back-dated quotas. It therefore found that the EEC had been in breach of these requirements since it had given public notice of the quota allocation only about two months after the quota period had begun”.<sup>4</sup>

The Panel concluded that “The operation of a back-dated import restriction in respect of ‘other countries’, including the United States, was inconsistent with Article[s] X and XIII”.<sup>5</sup>

The 1992 Panel Report on “Canada - Import, Distribution and Sale of Certain Alcoholic Drinks by Provincial Marketing Agencies” examined an argument regarding Article X:

“The Panel noted that the United States had claimed that the liquor board of British Columbia had shared with domestic brewers information relating to pricing policy before that information was available to the United States’ authorities, that in the province of Ontario, an announcement of a new pricing policy for beer had been made in the legislature only five days before it entered into effect, and that both these practices were inconsistent with Article X of the General Agreement. The Panel noted that Article X imposed requirements relating to the prompt publication of trade regulations but that this provision did not require contracting parties to make information affecting trade available to domestic and foreign suppliers at the same time, nor did it require contracting parties to publish trade regulations in advance of their entry into force. The Panel, therefore, *found* that the measures were not inconsistent with Article X of the General Agreement. The Panel noted that the United States did not claim inconsistency of these measures with any other provision of the General Agreement”.<sup>6</sup>

In a number of other instances in which a panel examining a quantitative restriction has found that restriction to be inconsistent with Article XI, the panel has declined to make findings with respect to subsidiary arguments raised concerning the consistency with Article X of the administration of the quantitative restriction, stating, for instance, that Article X “dealt with the administration of quotas that may be applied consistently with the General Agreement”.<sup>7</sup> See below at page 298 *et seq.*

The publication of laws and regulations concerning trade, tariffs and customs has been addressed in recent working parties on accession, such as those concerning the accession of Costa Rica<sup>8</sup>, El Salvador,<sup>9</sup> Venezuela,<sup>10</sup> and Guatemala.<sup>11</sup>

### **(3) “Agreements affecting international trade policy”**

The 1982 Report of the Working Party on the fourth review under the Protocol of Accession on “Trade with Hungary” notes the requests of members of the working party, referring to Article X, for publication of the lists of products annexed to the trade agreements between Hungary and other CMEA member countries, which “having been signed at the governmental level, conferred intergovernmental authority on contracts concluded between foreign-trade enterprises”.<sup>12</sup>

<sup>4</sup>L/6513, adopted on 22 June 1989, 36S/135, 166-167, paras. 5-20-5.23.

<sup>5</sup>*Ibid.*, 36S/167, para. 5.26.

<sup>6</sup>DS17/R, adopted on 18 February 1992, 39S/27, 85-86, para. 5.34.

<sup>7</sup>Panel Report on “Japan - Restrictions on Imports of Certain Agricultural Products”, L/6253, adopted on 2 February 1988, 35S/163, 242, para. 5.4.2.

<sup>8</sup>L/6589, adopted on 7 November 1989, 36S/26, 42 para. 60.

<sup>9</sup>L/6771, adopted on 12 December 1990, 37S/9, 16, para. 21.

<sup>10</sup>L/6696, adopted on 11 July 1990, 37S/43, 52 para. 32.

<sup>11</sup>L/6770, adopted on 6 February 1991, 38S/3, 6 para. 11.

<sup>12</sup>L/5303, adopted on 31 March 1982, 29S/129, paras. 31, 41, 47, 49.

**(4) “confidential information”**

During the fourth review under the Protocol of Accession on “Trade with Hungary,” the representative of Hungary noted, in response to the inquiry by the EEC referred to above, that the lists attached to the governmental trade agreements “resulted from private negotiations among enterprises in Hungary and in the other countries in question. In view of the latter circumstance, in accordance with the relevant provisions of Article X of the General Agreement, the Hungarian authorities could not be required to disclose information which would prejudice the legitimate commercial interests of particular enterprises, public or private ... in many cases there was only one company involved with the production of a particular product and thus, if the lists were published, they would disclose commercial information which could damage the firm’s bargaining position”.<sup>13</sup>

The Report of the Working Party on the seventh review under the Protocol of Accession on “Trade with Hungary” records that “The Community and Hungary had further agreed to ensure the publication of comprehensive commercial and financial data as well as information in accordance with Article X of the GATT and to maintain and further improve favourable business regulations and facilities for each other’s companies on their respective markets”.<sup>14</sup>

**2. Paragraph 2**

See also Article XIII:3(b).

**3. Paragraph 3**

**(1) “a uniform, impartial and reasonable manner”**

A Note by the Director-General, dated 29 November 1968, on the applicability of Article I of the General Agreement to the Agreement on Implementation of Article VI includes the following reference to Article X:

“Paragraph 3(a) of [Article X] provides that all laws, regulations, judicial decisions and administrative rulings pertaining to the classification or the valuation of products for customs purposes, or to rates of duty, taxes or other charges shall be administered in ‘a uniform, impartial and reasonable manner’. These last words would not permit, in the treatment accorded to imported goods, discrimination based on country of origin, nor would they permit the application of one set of regulations and procedures with respect to some contracting parties and a different set with respect to the others”.<sup>15</sup>

The 1984 Panel Report on “Japanese Measures on Imports of Leather” notes that the argument was made in this dispute that the import quotas for leather were not administered in a “reasonable manner,” as a result of, *inter alia*, allocation of import licences to competing domestic producers; see the finding of this panel below at page 298.

The Panel Report on “EEC - Restrictions on Imports of Dessert Apples, Complaint by Chile” examined, *inter alia*, the claim by Chile that differences among the ten member states of the EEC as to the requirements imposed for applications for licences for imports of dessert apples, such as refusal by one member state to accept a licence issued by another, meant that the requirements for licence issue were not “uniform” throughout the Community in terms of Article X:3(a); that the import licensing system was not uniform over time; that the one-month validity period of the import licences was too short, and hence “unreasonable” in terms of Article X:3(a); and that the timing of the scheme was not “impartial” in relation to supplying countries. The EEC noted that the import licensing scheme was administered through an EEC Regulation which, under Article 189 of the Treaty of Rome, had general scope, was binding in its entirety, and was directly applicable in all member States. It was the regulation and the regulation alone which established the legal situation for all persons; the internal administrative provisions which certain member States may have found necessary could not validly modify the rights and obligations of persons. Furthermore, these internal administrative provisions did not have to

<sup>13</sup>*Ibid.*, 29S/139-40, paras. 32, 34.

<sup>14</sup>L/6535, adopted on 19 July 1989, 36S/416 para. 39.

<sup>15</sup>L/3149; see also reference to this passage in “EEC - Restrictions on Imports of Apples, Complaint by Chile”, 36S/93, para. 6.5.

be published and were not usually brought to the attention of the Commission. The fact that Chilean exporters were the first to send apples to the Community was not proof of discriminatory, non-uniform, partial or unreasonable administration, but simply an objective fact due to the climatic differences among exporting countries. In response, the Panel found as follows:

“The Panel further noted that the EEC Commission Regulations in question were directly applicable in all of the ten Member States concerned in a substantially uniform manner, although there were some minor administrative variations, e.g. concerning the form in which licence applications could be made and the requirement of pro-forma invoices. The Panel found that these differences were minimal and did not in themselves establish a breach of Article X:3. The Panel therefore did not consider it necessary to examine the question whether the requirement of ‘uniform’ administration of trade regulations was applicable to the Community as a whole or to each of its Member States individually”.<sup>16</sup>

**(2) “date of this Agreement”**

Article XXVI:1 provides that “The date of this Agreement shall be 30 October 1947”. This date applies for the obligations under Article X:3 of the original contracting parties; of the former territories of the original contracting parties which, after attaining independence or commercial autonomy, succeeded to contracting party status under Article XXVI:5(c); and of Chile. When the modalities of accession to the General Agreement were first considered, at the Third Session in Annecy in 1949, the Working Party which drafted the Annecy Protocol of Terms of Accession decided to use instead the date of the Havana Final Act, 24 March 1948, and this approach was followed for the next group of accessions in the Torquay Protocol of 1951.<sup>17</sup> Since the next accession thereafter, which was the accession of Japan in 1955, the standard terms in accession protocols have provided that the “date of this Agreement” for the purposes of Article X:3 shall be the date of the protocol of accession or (where the acceding government had previously acceded provisionally) the date of the declaration on provisional accession.<sup>18</sup>

**B. RELATIONSHIP BETWEEN ARTICLE X AND OTHER ARTICLES**

See Articles XI:2 and XIII:3.

In a number of instances where consistency with Article X was raised as a subsidiary argument in relation to quantitative restrictions, panels have declined to make findings with respect to this issue when they have found that the quantitative restriction was inconsistent with Article XI.

The 1984 Panel Report concerning the dispute on “Japanese Measures on Imports of Leather” notes that the argument was made, *inter alia*, that the alleged lack of publication of the size of the global quotas for leather, the names of licence holders, the quantity of their licences, and the size of unfilled quota balances contravened Article X:1.

“The Panel noted that the United States had, as a subsidiary matter, argued that Japan had also nullified or impaired benefits under Articles II, X:1, X:3 and XIII:3. In view of the findings set out in the paragraphs above [that the import quotas were inconsistent with Article XI], the Panel found that it was not necessary for it to make a finding on these matters.”<sup>19</sup>

The Panel Report concerning the dispute on “Japan - Restrictions on Imports of Certain Agricultural Products” examined, *inter alia*, the argument that the lack of publication of certain information regarding import restrictions was inconsistent with Articles X and XIII.

“The Panel noted that the United States had, as a subsidiary matter, argued that Japan had also nullified or impaired benefits under Articles X:1, X:3 and XIII:3. Since these provisions dealt with the administration of quotas that may be applied consistently with the General Agreement, the Panel decided

<sup>16</sup>L/6491, adopted on 22 June 1989, 36S/93; arguments p. 116-17 paras. 6.3-6.6, findings p. 133 para. 12.30.

<sup>17</sup>Annecy Protocol, I/81, para. 5(b); Torquay Protocol, dated 21 April 1951, I/86, 88, para. 5(b).

<sup>18</sup>E.g. Protocol for the Accession of Bolivia, L/6562, 37S/5.

<sup>19</sup>L/5623, adopted on 15/16 May 1984, 31S/94, 114; arguments at 31S/97-98 paras. 26-27; findings at 31S/114 para. 57.

that it was not necessary for it to make a finding on these matters with regard to quantitative restrictions maintained contrary to that Agreement.”<sup>20</sup>

In the three parallel Panel Reports on “Republic of Korea - Restrictions on Imports of Beef,” Complaints by Australia<sup>21</sup>, New Zealand<sup>22</sup>, and the United States<sup>23</sup> the Panel examined the subsidiary claim by the complainants that Korea had not met its obligations under Articles X and XIII by not providing proper public notice of the import restrictions. The Panel found:

“The Panel noted that [Australia/New Zealand/the United States] had, as a subsidiary matter, claimed that Korea had not met its obligations under Articles X and XIII by not providing proper public notice of the import restrictions. It also noted that Korea had stated that the withdrawal of the measures imposed in 1984/85 and the import levels in 1988 had been widely publicized. In view of the Panel’s determinations as concerned the consistency of the Korean measures with Articles II and XI, the Panel did not find it necessary to address these subsidiary issues. The Panel noted, however, the requirement in Article X:1 that ‘laws, regulations, judicial decisions and administrative rulings of general application, made effective by any contracting party, pertaining to ... rates of duty, taxes or other charges, or to requirements, restrictions or prohibitions on imports ..., shall be published promptly in such a manner as to enable governments and traders to become acquainted with them’. It also noted the provision in Article XIII:3(b) that ‘[i]n the case of import restrictions involving the fixing of quotas, the contracting party applying the restrictions shall give public notice of the total quantity or value of the product or products which will be permitted to be imported during a specified future period and of any change in such quantity or value’.”<sup>24</sup>

The Panel Report on “Canada - Import Restrictions on Ice Cream and Yoghurt” examined, *inter alia* the claim by the United States that in administering its import restrictions Canada had failed to observe the procedural obligations of Article X:1 and Article X:2 which, it was contended, created distinct obligations in addition to the requirement of public notification arising under Article XI:2(c).

“The Panel observed that the remaining provisions of Article XI:2(c), as concerned public notice and the level of imports, as well as those contained in Articles X and XIII, concerned the operation of the quota. As the Panel had found that the Canadian import quotas for ice cream and yoghurt could not be justified under Article XI:2(c)(i), it did not consider it necessary to examine whether the administration of these quotas was in conformity with the General Agreement.”<sup>25</sup>

The Panel Report on “EEC - Regulation on Imports of Parts and Components” examined, *inter alia*, the claim of Japan that while the conditions under which anti-dumping duties could be imposed under the “anti-circumvention” legislation of the EEC were defined in the text of that legislation, the criteria for acceptance of offers of undertakings had not been published and that this was inconsistent with Article X:1. The Panel found as follows:

“The Panel considered the argument of Japan that, in the administration of the anti-circumvention provision, the EEC violated its obligations under Article X:1 and X:3 of the General Agreement, in particular in respect of the criteria for the acceptance of undertakings and the methodology for determining the origin of imported parts and components. Given that the Panel found the anti-circumvention duties and the acceptance of parts undertakings to be inconsistent with Article III:2 and 4, and not justifiable under Article XX(d), and that any further imposition of such duties or acceptance of related undertakings would therefore be inconsistent with the General Agreement, the issue of whether the administration of the anti-circumvention provision is consistent with Article X is no longer relevant.”<sup>26</sup>

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<sup>20</sup>L/6253, adopted on 2 February 1988, 35S/163; arguments at paras. 3.5.1-3.5.3; findings at 35S/242, para. 5.4.2.

<sup>21</sup>L/6504, adopted on 7 November 1989, 36S/202.

<sup>22</sup>L/6505, adopted on 7 November 1989, 36S/234.

<sup>23</sup>L/6503, adopted on 7 November 1989, 36S/268.

<sup>24</sup>Same three panel reports referred to above, at 36S/230, 267, 306, paras. 108, 124, 130 respectively.

<sup>25</sup>L/6568, adopted on 5 December 1989, 36S/68, 92, para. 82.

<sup>26</sup>L/6657, adopted on 16 May 1990, 37S/132, 199, para. 5.27.

## C. NOTIFICATION IN GATT

At various times since 1947 notes have been prepared by the Secretariat summarizing the notification obligations of contracting parties under the General Agreement.<sup>27</sup> The question of improvement and streamlining of notification procedures has also been raised at various times in the Council and was also discussed in the Senior Officials' Group and the Preparatory Committee in advance of the Uruguay Round.<sup>28</sup> The 15 April 1994 Final Act of the Uruguay Round includes a Decision on Notification Procedures; see under section D below.

### 1. General understandings

In March 1964, the CONTRACTING PARTIES adopted two Reports on "Trade Information and Trade Promotion Advisory Service" as well as a Recommendation on "Co-operation in the Field of Trade Information and Trade Promotion".<sup>29</sup> The Recommendation provides, *inter alia*, that "The CONTRACTING PARTIES recommend that contracting parties should forward promptly to the secretariat copies of the laws, regulations, decisions, rulings and agreements of the kind described in paragraph 1 of Article X, together with such other information as they consider relevant to the objectives of this Recommendation".

An "Understanding Regarding Notification, Consultation, Dispute Settlement and Surveillance" was adopted on 28 November 1979 at the close of the Tokyo Round. Paragraphs 2 and 3 of this Understanding, on "Notification", provide as follows:

"Contracting parties reaffirm their commitment to existing obligations under the General Agreement regarding publication and notification.

"Contracting parties moreover undertake, to the maximum extent possible, to notify the CONTRACTING PARTIES of their adoption of trade measures affecting the operation of the General Agreement, it being understood that such notification would be without prejudice to views on the consistency of measures with or their relevance to obligations under the General Agreement. Contracting parties should endeavour to notify such measures in advance of implementation. In other cases, where prior notification has not been possible, such measures should be notified promptly *ex post facto*. Contracting parties which have reason to believe that such trade measures have been adopted by another contracting party may seek information on such measures bilaterally, from the contracting party concerned".<sup>30</sup>

The text of this Understanding appears in full under Article XXIII. On 26 March 1980 a Proposal by the Director-General on "Notification and Surveillance" was adopted, including a number of suggestions relating to action necessary to implement paragraphs 2 and 3 of the Understanding above. It was suggested that the Council draw the attention of all contracting parties to paragraph 2 of the Understanding, and invite contracting parties to submit notifications in accordance with a calendar set out in an annex. "The attention of contracting parties should be drawn to paragraph 3 of the Understanding. Contracting parties should be invited to submit notifications under this paragraph, in particular when notifications covering the measures are not made under other GATT procedures".<sup>31</sup> The proposal also called for semiannual reviews of developments in the trading system to be conducted by the Council at sessions specially held for that purpose.

<sup>27</sup>"Provisions of the Agreement which contemplate submission of information to the CONTRACTING PARTIES," Note of 2 February 1950, GATT/CP.4/16; "Notification requirements in GATT," Annex to the Report by the Group of Experts on Trade Information and Trade Promotion Advisory Services, adopted on 19 March 1964, COM.III/128, 12S/138, 146; "Notifications required from contracting parties," Note by the Secretariat, MTN/FR/W/17; Lists on notification requirements (1) applying to all contracting parties, (2) applying to some government or governments, and list of dates on which regular notifications fall due, attached to the Director-General's proposal for Procedures for the Review of Developments in the Trading System, adopted on 26 March 1980, C/III, 27S/20 (attachments not reproduced in BISD); Notes prepared for semi-annual reviews on developments in the trading system (see below), e.g. C/W/437, C/W/446, C/W/471; tabular presentation of all periodic and ad hoc notifications required under the General Agreement, MTN Agreements, MFA, 1979 Understanding and 1982 Work Programme, PREP.COM(86)W/31/Add.1; "Notification procedures in GATT," Note dated 10 March 1988, MTN.GNG/NG14/W/18.

<sup>28</sup>See Notes from 1984 (C/W/446) and 1985 (C/W/471), C/M/182 and C/M/189; also SR.SOG/10 and 11; Secretariat Note, PREP.COM(86)W/31/Add.1; PREP.COM(86)SR/4, SR/6 and SR/7.

<sup>29</sup>Reports at COM.III/128, 12S/138, and L/2181, Part A, 12S/148; Recommendation at 12S/49.

<sup>30</sup>L/4907, adopted on 28 November 1979, 26S/210, paras. 2-3.

<sup>31</sup>C/III, adopted on 26 March 1980, 27S/20, 22, para. 6.



The Decisions of 12 April 1989 on “Functioning of the GATT System” include a decision to establish an “Overview of Developments in the International Trading Environment,” providing that “Such an overview should be undertaken by the Council. It should be assisted by an annual report by the Director-General setting out major GATT activities and highlighting significant policy issues affecting the trading system ... It is understood that this overview by the Council, together with the trade policy review mechanism, would replace the existing reviews in special Council meetings established under paragraph 24 of the 1979 Understanding ...”.<sup>32</sup> See also the material below on the Trade Policy Review Mechanism.

## 2. Notifications provided for by specific provisions of the General Agreement or decisions of the CONTRACTING PARTIES

The following table presents the provisions of the General Agreement, or decisions of the CONTRACTING PARTIES, which provide for notification of measures, either as such or in connection with requests made to the CONTRACTING PARTIES.

### *Tariffs*

Proposal on Introduction of a Loose-Leaf System for the Schedules of Tariff Concessions <sup>33</sup>	Submission of consolidated schedules of tariff concessions
Decision on Integrated Data Base <sup>34</sup>	Contracting parties should submit annually to the secretariat, by tariff line, tariff data for unbound items and import data for all bound and unbound tariff items, in accordance with the IDB agreed format
Article II:6(a)	Notification of adjustment of specific duties
Article XVIII:A	Notification of modification or withdrawal of concessions pursuant to Article XVIII:7(a)
Article XXVII	Notification of withholding or withdrawal of concessions initially negotiated with a government that has not become, or has ceased to be, a contracting party
Article XXVIII:1	Notification of modification or withdrawal of a concession to take place during “open season” (not earlier than six months nor later than three months before the termination date of a preceding three-year period as referred to in Article XXVIII:1)
Article XXVIII:4	Request for authorization by CONTRACTING PARTIES to enter into negotiations for modification or withdrawal of a concession at any time in special circumstances
Article XXVIII:5	Notification during Article XXVIII:1 “open season” reserving the right to modify or withdraw concessions during the subsequent three-year period

<sup>32</sup>L/6490, Decisions of 12 April 1989 arising from action by the Trade Negotiations Committee, 36S/403, 405-406 para. F.

<sup>33</sup>Proposal by the Director-General adopted on 26 March 1980, C./107/Rev.1, 27S/22.

<sup>34</sup>Decision of 10 November 1987, L/6290, 34S/66, para. 3. See also IDB User Reference Manual dated 19 April 1994, IDB/URM/1.

*Quantitative restrictions and other measures affecting trade*

Articles XII:4 and XVIII:12 <sup>35</sup>	Notification of introduction or intensification of all measures taken for balance-of-payments purposes
Questionnaire on Import Licensing Procedures (L/5640) <sup>36</sup>	Notification of import licensing and similar administrative procedures maintained in and applied with respect to imports into the customs territories to which GATT applies
Data base on quantitative restrictions and other non-tariff measures <sup>37</sup>	Biennial complete notification of quantitative restrictions; notification of details of changes in quantitative restrictions as and when these changes occur
Inventory of Non-Tariff Measures <sup>38</sup>	Notification by contracting parties of measures maintained by other contracting parties which affect their trade
Border tax adjustments <sup>39</sup>	Notification of major changes in tax adjustment legislation and practices involving international trade
Marks of origin <sup>40</sup>	Notification of changes in legislation, rules or regulations concerning marks of origin
Ministerial Decision on Export of Domestically Prohibited Goods <sup>41</sup>	Notification by contracting parties, to the maximum extent feasible, of any goods produced and exported by them but banned by their national authorities for sale on their domestic markets on grounds of human health and safety (circulated in DPG/NOTIF/- series)
Streamlined Mechanism for Reconciling the Interests of Contracting Parties in the Event of Trade-Damaging Acts <sup>42</sup>	Notification by importing contracting parties of measures restricting trade for the purpose of protecting human, animal or plant life or health
Decision concerning Article XXI of the General Agreement <sup>43</sup>	Notification of trade measures taken under Article XXI

<sup>35</sup>As interpreted by 1979 Declaration on Trade Measures Taken for Balance-of-payments Purposes, 26S/205.

<sup>36</sup>Agreed at the Twenty-eighth Session of the CONTRACTING PARTIES; see Report of the Committee on Trade in Industrial Products, L/3756, para. 76; SR.28/6. The questionnaire and responses now appear in L/5640 and addenda issued thereto, and were formerly under COM.IND/W/55-COM.AG/W/72. The Annual Reports of the Committee on Import Licensing include a list of responses to this questionnaire (see, e.g., L/7313, dated 19 November 1993).

<sup>37</sup>Recommended in para. 44 of L/5713, Report (1984) of the Group on Quantitative Restrictions and other Non-Tariff Barriers, adopted on 30 November 1984, 31S/211, 222; see also 31S/12. Concerning this inventory and other GATT work on quantitative restrictions, see the material at the end of the chapter on Article XI in this volume.

<sup>38</sup>Procedures established 1980, 27S/18; further format for notifications adopted as part of Report (1985) of the Group on Quantitative Restrictions and Other Non-Tariff Measures, adopted on 28 November 1985, 32S/93.

<sup>39</sup>Procedures recommended in Report of the Working Party on "Border Tax Adjustments" adopted on 2 December 1970, L/3464, 18S/97, 108 para. 40.

<sup>40</sup>Recommendation of 21 November 1958 on "Marks of Origin", 7S/30, 33.

<sup>41</sup>Ministerial Declaration adopted on 29 November 1982, 29S/19.

<sup>42</sup>C/M/236, p. 6-7; 36S/67; for text see under Article XX(b).

<sup>43</sup>L/5426, 29S/23; for text of decision see under Article XXI.

Programme of Work of Committee on Trade in Agriculture<sup>44</sup> Notification of measures and policies affecting trade in agriculture (circulated in AG/FOR/REV/- series)

### *Exchange arrangements*

Article XV:8 Notification by contracting parties not members of the International Monetary Fund of national trade and financial data within the scope of Article VIII:5 of the IMF Articles of Agreement

### *Subsidies*

Article XVI:1<sup>45</sup> Notification of any subsidy, including any form of income or price support, which operates directly or indirectly to increase exports of any product from, or to reduce imports of any product into, the territory of a contracting party. Full notification (response to questionnaire) every three years; annual notifications of changes in intervening years

### *State trading*

Article XVII:4<sup>46</sup> Notification of products imported into or exported from territories of contracting parties by State-trading enterprises or other enterprises which enjoy exclusive or special privileges. Full notification (response to questionnaire) every three years; annual notifications of changes in intervening years

Liquidation of strategic stocks<sup>47</sup> Advance notification by any contracting party holding stocks of primary products accumulated as part of a national strategic stockpile for purposes of national defense and intending to liquidate a substantial quantity of such stocks

### *Governmental assistance to economic development (Article XVIII:C and D)*

Article XVIII:C<sup>48</sup> Notification of special difficulties which a contracting party falling under Article XVIII:4(a) meets in achieving the objective in Article XVIII:13; indication of specific measure which it proposes to introduce in order to remedy these difficulties

Article XVIII:D<sup>49</sup> Application to the CONTRACTING PARTIES for approval of a measure described in Article XVIII:13, by a contracting party falling under Article XVIII:4(b)

<sup>44</sup>L/5563, 30S/100, 102.

<sup>45</sup>Questionnaire at 9S/193; see also 11S/59.

<sup>46</sup>Procedures for notifications established 1957, modified 1960 (6S/23, 9S/184). Questionnaire established 11S/58.

<sup>47</sup>Resolution of 4 March 1955 on "Liquidation of Strategic Stocks," 3S/51; see, e.g. notifications by Australia at L/3373, L/3432, L/4018.

<sup>48</sup>As modified by the Decision of 28 November 1979 on Safeguard Action for Development Purposes, 26S/209.

<sup>49</sup>Questionnaire for guidance established 1958, 7S/85.

***Emergency action on imports of particular products***

Article XIX:2 Notice in writing to the CONTRACTING PARTIES as far in advance of action as may be practicable; however, in critical circumstances action may be taken provisionally without prior consultation

***Consultations and dispute settlement***

Article XXII<sup>50</sup> Notification of any request for consultations under Article XXII  
 Article XXIII<sup>51</sup> Notification of any request for consultations under Article XXIII:1 or request for establishment of a panel under Article XXIII:2

***Other institutional and final provisions***

Article XXV:5<sup>52</sup> Notification of request for waivers of obligations  
 Article XXXI Notice of withdrawal from the General Agreement (see also references to notice of intent to withdraw in Articles XVIII:12(e) and XXIII:2).  
 Protocol of Provisional Application Notice of withdrawal of provisional application of the General Agreement

***Customs unions and free-trade areas; regional agreements***

Article XXIV:7(a)<sup>53</sup> Notification by any contracting party deciding to enter into a customs union or free-trade area, or an interim agreement leading to the formation of such a union or area  
 Article XXIV:7(c) Communication of any substantial change in a plan or schedule included in an interim agreement for the formation of a customs union or free-trade area  
 Decision of 26 November 1971<sup>54</sup> Biennial reporting on regional agreements

***Trade and development***

Article XXXVII:2<sup>55</sup> Reports by contracting parties whenever it is considered that effect is not being given to the provisions of Article XXXVII:1

<sup>50</sup>“Procedures under Article XXII on Questions Affecting the Interests of a Number of Contracting Parties” adopted on 1958, 7S/24; Decision on “Improvements to the GATT Dispute Settlement Rules and Procedures” adopted on 12 April 1989, L/6489, 36S/61. See also under Article XXII.

<sup>51</sup>Decision on “Improvements to the GATT Dispute Settlement Rules and Procedures” adopted on 12 April 1989, L/6489, 36S/61.

<sup>52</sup>See also “Article XXV - Guiding Principles to be Followed by the CONTRACTING PARTIES in Considering Applications for Waivers from Part I or Other Important Obligations of the General Agreement”, adopted on 1 November 1956, L/532, 5S/25 (thirty-day advance notice requirement).

<sup>53</sup>Council Decision of 25 October 1972 on “Procedures” for customs unions and free-trade areas, C/M/81 p. 16, 19S/13.

<sup>54</sup>Programme of Work adopted at 27th Session, L/3641, 18S/37, 38, para. 4(c).

<sup>55</sup>Procedures adopted on 25 March 1965, 13S/78-80.

Decision on  
Differential and More  
Favourable Treatment,  
Reciprocity and Fuller  
Participation of  
Developing Countries<sup>56</sup>

Notification by any contracting party taking action to introduce, modify or withdraw differential and more favourable treatment specified in the Decision; notifications include, *inter alia*, notifications concerning changes in GSP schemes

#### D. TRADE POLICY REVIEW MECHANISM

On 12 April 1989 the Council adopted the following Decision creating a Trade Policy Review Mechanism ("TPRM"):

"The CONTRACTING PARTIES *decide* to establish a trade policy review mechanism, as follows:

##### "A. Objectives

"(i) The purpose of the mechanism is to contribute to improved adherence by all contracting parties to GATT rules, disciplines and commitments, and hence to the smoother functioning of the multilateral trading system, by achieving greater transparency in, and understanding of, the trade policies and practices of contracting parties. Accordingly, the review mechanism will enable the regular collective appreciation and evaluation by the CONTRACTING PARTIES of the full range of individual contracting parties' trade policies and practices and their impact on the functioning of the multilateral trading system. It is not, however, intended to serve as a basis for the enforcement of specific GATT obligations or for dispute settlement procedures, or to impose new policy commitments on contracting parties.

"(ii) The assessment to be carried out under the review mechanism will, to the extent relevant, take place against the background of the wider economic and developmental needs, policies and objectives of the contracting party concerned, as well as of its external environment. However, the function of the review mechanism is to examine the impact of a contracting party's trade policies and practices on the multilateral trading system.

##### "B. Reporting

"(i) In order to achieve the fullest possible degree of transparency, each contracting party shall report regularly to the CONTRACTING PARTIES. Initial full reports shall be submitted in the year when the contracting party is first subject to review: however, in no case shall the initial report be submitted later than four years after the introduction of the mechanism. Subsequently, full reports shall be provided in years when the contracting party is due for review. Full reports will describe the trade policies and practices pursued by the contracting party or parties concerned, based on an agreed format to be decided upon by the Council. This format may be revised by the Council in the light of experience. Between reviews, contracting parties will provide brief reports when there are any significant changes in their trade policies; an annual update of statistical information will be provided according to the agreed format. Particular account will be taken of difficulties presented to least-developed contracting parties in compiling their reports. The Secretariat shall make available technical assistance on request to less-developed contracting parties, and in particular to the least-developed contracting parties. Information contained in country reports should to the greatest extent possible be coordinated with notifications made under GATT provisions.

##### "C. Frequency of Review

"(i) The trade policies and practices of all contracting parties will be subject to periodic review. Their impact on the functioning of the multilateral trading system, defined in terms of share of world

<sup>56</sup>L/4903, Decision of 28 November 1979, 26S/203, 204 para. 4.

trade in a recent representative period, will be the determining factor in deciding on the frequency of reviews. The first four trading entities so identified (counting the European Communities as one) will be subject to review every two years. The next sixteen will be reviewed every four years. Other contracting parties will be reviewed every six years, except that a longer period may be fixed for least-developed countries. It is understood that the review of entities having a common external policy covering more than one contracting party shall cover all components of policy affecting trade including relevant policies and practices of the individual contracting parties. Exceptionally, in the event of changes in a contracting party's trade policies or practices which may have a significant impact on its trading partners, the contracting party concerned may be requested by the Council after consultation to bring forward its next review.

“(ii) Contracting parties recognize the need to minimize the burden for governments also subject to full consultations under the GATT balance-of-payments provisions. To this end, the Chairman of the Council shall, in consultation with the contracting party or parties concerned, and with the Chairman of the Committee on Balance-of-Payments Restrictions, devise administrative arrangements which would harmonize the normal rhythm of the trade policy reviews with the time-table for balance-of-payments consultations but would not postpone the trade policy review by more than 12 months.

“D. *Review Body*

“(i) Trade policy reviews will be carried out by the Council at periodic special meetings.

“(ii) In the light of the objectives set out in A above, discussions in the meetings of the Council will, to the extent relevant, take place against the background of the wider economic and developmental needs, policies and objectives of the contracting party concerned, as well as of its external environment. The focus of these discussions will be on the contracting party's trade policies and practices which are the subject of the assessment under the review mechanism.

“(iii) The Council will establish a basic plan for the conduct of the reviews. It may also discuss and take note of update reports from contracting parties. The Council will establish a programme of reviews for each year in consultation with the contracting parties directly concerned. In consultation with the contracting party or parties under review, the Chairman may choose discussants who, in their personal capacity, will introduce the discussions in the review body.

“(iv) The Council will base its work on the following documentation:

“(a) The full report, referred to in paragraph B(i) above, supplied by the contracting party or parties under review.

“(b) A report, to be drawn up by the Secretariat on its own responsibility, based on the information available to it and that provided by the contracting party or parties concerned. The Secretariat should seek clarification from the contracting party or parties concerned of their trade policies and practices.

“(v) The reports by the contracting party under review and by the Secretariat, together with the minutes of the respective meeting of the Council, will be published promptly after the review.

“(vi) These documents will be forwarded to the next regular Session of the CONTRACTING PARTIES, which will take note of them.

“E. *Implementation and Reappraisal of the Mechanism*

“The trade policy review mechanism will be implemented on a provisional basis from the date of the adoption of this Decision by the CONTRACTING PARTIES. In the light of the experience gained from its

operation, the CONTRACTING PARTIES will review, and if necessary modify, these arrangements at the end of the Uruguay Round.”<sup>57</sup>

On 19 July 1989, the Council agreed on an outline format for country reports to be submitted under the TPRM, including a list of matters to be dealt with in country reports and of statistical and tabular data to be submitted.<sup>58</sup> In 1993, the Council agreed to clarified procedures dealing with such matters as timing of review meetings, rôle of discussants, statements in the Council and replies by countries under review.<sup>59</sup>

At the Forty-Ninth Session in December 1994, the CONTRACTING PARTIES agreed that informal consultations should be held on issues relating to the operation of the TPRM. On 10 May 1994, the Council agreed to the following decision on arrangements for continued operation of the TPRM:

“1. The Trade Policy Review Mechanism shall continue in operation until its successor mechanism established in Annex 3 of the Agreement establishing the World Trade Organization (WTO) comes into effect.

“2. Contracting parties agree that a report by the Government of the contracting party or by the entity under review remains a central element of the review process. However, in order to avoid duplication of the material contained in the Secretariat report, and to lighten the burden on delegations, Government reports shall be in the form of policy statements. It would essentially be for the contracting parties and entities concerned to decide on the form and length of such statements, although the Council, or the Trade Policy Review Body to be established under the WTO Agreement, may decide on new guidelines for Government reports.

“3. Contracting parties agree that the principal focus of Secretariat reports should be on the trade policies and practices of the contracting party or entity under review. Contracting parties recognize that trade policies must, to the extent necessary, be seen in the context of overall macro-economic and structural policies.

“4. The existing cycle of reviews shall be maintained, but with a general degree of flexibility of up to six months, if and as may be necessary. Schedules of subsequent reviews shall be established by counting from the date of the previous review meeting.

“5. Documentation relating to each review meeting shall be provided to Council members at the latest four weeks before the date of the review meeting.

“6. Contracting parties recognize that the changes in the procedures for review meetings introduced in 1993 (L/7208) have facilitated a more lively debate. All parties subject to review should co-operate in enabling these procedures to function effectively. Contracting parties also recognize that the rôle of discussants is crucial, especially in triggering the debate on the second day of a review meeting. Delegations are reminded that, where possible, written questions should be submitted to the party under review at least one week before the review meeting, to allow time to prepare replies.

“7. Press arrangements for trade policy reviews should ensure sufficiently complete coverage of the proceedings of review meetings. In the light of suggestions made by individual contracting parties, notably regarding the timing and delivery of documentation to the press, participation in press briefings, and other related questions, the Secretariat is requested to consult further on ways in which this can be achieved, and to make proposals to the Council before the next trade policy review to be held.

“8. Contracting parties agree that the understandings in paragraphs 2 to 6 shall be communicated to the Preparatory Committee for the World Trade Organization for its consideration, with a view to their introduction on the entry into force of the WTO Agreement.”<sup>60</sup>

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<sup>57</sup>L/6490, adopted on 12 April 1989, 36S/403.

<sup>58</sup>L/6552, 36S/406.

<sup>59</sup>L/7208, Communication from the Council Chairman, dated 30 April 1993.

<sup>60</sup>L/7458, Decision of 10 May 1994; see also SR.49/1, p. 8-9.

## E. NOTIFICATION PROCEDURES DURING THE TRANSITION TO THE WORLD TRADE ORGANIZATION

The 15 April 1994 Final Act of the Uruguay Round includes a Decision on Notification Procedures, which calls for a Central Registry of Notifications to be established, and for a review of notification obligations and procedures to be carried out by a working group under the WTO Council on Trade in Goods. The Decision was adopted by Ministers at Marrakesh, and it was further adopted, and the Central Registry was established, by the WTO General Council at its first meeting on 31 January 1995.

On 8 December 1994 the CONTRACTING PARTIES and the Preparatory Committee for the World Trade Organization adopted a Decision on "Transitional Arrangements - Avoidance of Procedural and Institutional Duplication", which provides *inter alia* that the Preparatory Committee:

"Noting that the General Agreement on Tariffs and Trade (hereinafter referred to as "GATT 1947") and the Marrakesh Agreement Establishing the World Trade Organization (hereinafter referred to as "WTO Agreement") are legally distinct and that Members of the WTO may therefore remain contracting parties to the GATT 1947;

"Considering that contracting parties to the GATT 1947 and parties to the Tokyo Round Agreements that are also Members of the WTO should not be subjected to the inconvenience of having to notify and consult on their measures and policies twice;

"Desiring, therefore, that the bodies established under the GATT 1947, the Tokyo Round Agreements and the WTO Agreement coordinate their activities to the extent that their functions overlap;

"Decides to propose the following procedures for adoption by the CONTRACTING PARTIES to the GATT 1947, the Committees established under the Tokyo Round Agreements and the General Council of the WTO:

"In the period between the date of entry into force of the WTO Agreement and the date of the termination of the legal instruments through which the contracting parties apply the GATT 1947 and of the Tokyo Round Agreements the following notification and coordination procedures shall apply under the GATT 1947, the Tokyo Round Agreements and the WTO Agreement:

"1. If a measure is subject to a notification obligation both under the WTO Agreement and under the GATT 1947 or a Tokyo Round Agreement, the notification of such a measure to a WTO body shall, unless otherwise indicated in the notification, be deemed to be also a notification of that measure under the GATT 1947 or the Tokyo Round Agreement. Any such notification shall be circulated by the WTO Secretariat simultaneously to the Members of the WTO and to the contracting parties to the GATT 1947 and/or the parties to the Tokyo Round Agreement. These procedures are without prejudice to any notification procedures applicable in specific areas.

"2. The coordination procedures set out in paragraphs 3 and 4 below shall apply in the relations between the bodies referred to in sub-paragraphs (a) to (d) below: ...

"(d) The GATT 1947 Council of Representatives shall coordinate its trade policy reviews with those of the WTO Trade Policy Review Body.

...

"5. The CONTRACTING PARTIES to the GATT 1947, the Committees established under the Tokyo Round Agreements and the General Council of the WTO may decide independently to terminate the application of the provisions set out in paragraphs 1 to 4 above.<sup>61</sup>

<sup>61</sup>PC/11, L/7582.



### III. PREPARATORY WORK

The preparatory work states that Article X was partially based on Articles 4 and 6 of the 1923 International Convention Relating to the Simplification of Customs Formalities.<sup>62</sup> Corresponding provisions in the Havana Charter were in Article 38; in the US Proposals, Chapter III-8; in the US Draft, Article 15; in the New York Draft, Article 21; and in the Geneva Draft, Article 37.

Article X has the same text as Article 37 of the Geneva Draft Charter, except that a provision in paragraph 1 requiring governments to furnish copies of their laws, regulations and agreements to the Organization was not included in the General Agreement. At the Havana Conference, this Article of the Charter was amended as follows, to become Article 38 of the Havana Charter:

- In Article 38:2 the prohibition on enforcing certain measures of general application “before such measure has been officially published” was changed by substituting “made public” for the word “published” in the Charter article. It was agreed that the text “did not require the prior public issue of an official document, but that the effect could also be accomplished by an official announcement made in the legislature of the country concerned”.<sup>63</sup>
- Article 38:3(a) as amended provided that “suitable facilities shall be afforded or traders directly affected by any of those matters [the various laws and regulations] to consult with the appropriate governmental authorities”.

However, these changes were not brought into the General Agreement.

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<sup>62</sup>See EPCT/C.II/W.41, EPCT/C.II/54/Rev.1 p. 29.

<sup>63</sup>Havana Reports, p. 79, para. 52.

**IV. RELEVANT DOCUMENTS (FOR ARTICLES V-X)***London* (Arts. V-X)

Discussion: EPCT/C.II/QR/PV/5  
Reports: EPCT/C.II/42, 46, 48, 49, 50, 54/Rev.1, 55, 56  
Other: EPCT/C.II/W.5, 31

*New York* (Arts. V-X)

Discussion: EPCT/C.6/7, 8, 16, 18, 22, 30, 33, 36, 41, 58, 64, 84, 90.  
Reports: EPCT/C.6/55/Rev.1, 97/Rev.1

*Geneva*

## Articles V-X:

Discussion: see below: also:  
EPCT/TAC/PV/10-11, 26-28  
Reports: EPCT/103, 109, 135, 142+Corr. 1, 154, 180, 186, 189, 196, 212, 214/Add.1/Rev.1  
Other: EPCT/W/97, 100, 103, 166, 180, 272, 301, 313, 318

## Article V:

Discussion: EPCT/EC/SR.2/3, PV.2/22  
EPCT/A/SR/20, 33, 34  
EPCT/WP.1/SR/6, 7, 9, 10  
EPCT/WP.1/AC.1/SR.1+Corr.1  
Reports: see above  
Other: EPCT/109  
EPCT/W/23, 28, 29, 31, 32, 33, 55, 63, 89

## Article VI:

Discussion: EPCT/EC/SR.2/3, 22  
EPCT/A/SR/20, 24, 32, 34  
EPCT/WP.1/SR/8, 9, 11  
Reports: see above  
Other: EPCT/W/23, 28, 29, 34, 35+Corr.1, 53, 66, 68, 84, 91, 97

## Article VII:

Discussion: EPCT/EC/SR/3, 22  
EPCT/A/SR/31, 32, 34+Corr.1, 40(2)  
EPCT/WP.1/SR/9, 11  
Reports: see above;  
also EPCT/W/166, 180  
Other: EPCT/W/23, 24, 28, 36, 37+Corr.1, 57, 58, 78, 90, 100, 104, 134, 152, 158, 247, 251,  
262, 283

## Article VIII:

Discussion: EPCT/EC/SR.2/3, 22  
EPCT/A/SR/24, 25, 34  
EPCT/WP.1/SR/1, 6, 7, 11  
Reports: see above  
Other: EPCT/W/23, 28, 38, 39, 50, 67, 77, 88, 103

## Article IX:

Discussion: EPCT/EC/SR.2/3, 22  
EPCT/A/SR/24, 34, 40(2)  
EPCT/WP.1/SR/1-3, 6-7, 8+Corr.1-2  
Reports: see above  
Other: EPCT/109  
EPCT/W/23, 28, 29, 40, 52, 80

## Article X:

Discussion: EPCT/EC/SR.2/3, 22  
EPCT/A/SR/24, 25, 30, 34, 40(2)  
EPCT/WP.1/SR/3, 4, 8, 11  
EPCT/WP.1/AC/SR/2, 3  
Reports: see above  
Other: EPCT/109  
EPCT/W/23, 24+Add.1, 28, 41, 42, 43, 51

*Havana*

(Charter Articles corresponding to Articles V-X)

Discussion: E/CONF.2/C.3/SR.15, 30-32  
Reports: E/CONF.2/C.3/10, 41  
Other: E/CONF.2/C.3/C/W.5

*CONTRACTING PARTIES*

(Articles V-X)

Reports: GATT/CP.2/22/Rev.1 (II/43)

*Review Session*

## Article V

Reports: W.9/155, 217  
Other: L/189, 273, 275, 276  
W.9/46  
Spec/40/55

## Article VI

Discussion: SR.9/17, 24, 41, 47  
Reports: W.9/122+Corr.1, 217, 220, 231, 236/Add.1;  
L/334; 3S/222  
Other: L/189, 261/Add.1, 270/Add.1, 273, 275, 276  
W.9/20/Add.1, 28, 41, 46, 68, 86+Rev.1, 214  
Spec/70/55, 93/55, 106/55, 109/55, 111/55

## Article VII

Discussion: SR.9/17, 20, 47  
Reports: W.9/155, 191, 199, 212, 217+Corr.1, 236/Add.1;  
L/329; 3S/205  
Other: L/189, 261/Add.1, 272, 273, 275, 276  
W.9/46, 54+Add.1, 61, 141, 152, 169/Rev.1, 172  
Spec/40/55

## Article VIII

Discussion: SR.9/18, 47  
Reports: W.9/155, 191, 199, 212, 217, 236/Add.1;  
L/329; 3S/205  
Other: L/189, 261/Add.1  
W.9/46, 69, 120, 125, 168, 172  
Spec/40/55

## Article IX

Reports: W.9/155, 191, 212, 217, 236/Add.1;  
L/329; 3S/205  
Other: L/189, 261/Add.1, 273, 275, 276  
W.9/46, 87, 172  
Spec/40/55

## Article X

Report: L/327, 3S/234-235  
Other: L/189, 261/Add.1  
W.9/46, 217  
Spec/47/55