

SECRET

N° 58

GATT/AIR/194(SECRET)

9 MAY 1960

SUBJECT: UNITED KINGDOM WAIVER
NOTIFICATION RE: FRESH TOMATOES

THE COMMUNICATION REPRODUCED HEREUNDER, DATED 5 MAY 1960 HAS BEEN RECEIVED FROM THE UNITED KINGDOM GOVERNMENT. A CONTRACTING PARTY WISHING TO REQUEST CONSULTATIONS UNDER PARAGRAPH (b) OF THE PROCEDURE ANNEXED TO THE DECISION OF 24 OCTOBER 1953 (BISD, SECOND SUPPLEMENT, PAGE 21) SHOULD SO INFORM THE UNITED KINGDOM GOVERNMENT AND THE EXECUTIVE SECRETARY AS SOON AS POSSIBLE. THE ATTENTION OF CONTRACTING PARTIES IS DRAWN TO THE THIRD PARAGRAPH OF THE UNITED KINGDOM COMMUNICATION INDICATING THE UNITED KINGDOM'S INTENTION TO PUT THE INCREASED DUTIES INTO EFFECT FROM 16 MAY.

"I AM INSTRUCTED TO INFORM YOU THAT THE GOVERNMENT OF THE UNITED KINGDOM WISH TO INVOKE THE DECISION OF 24 OCTOBER 1953, AS AMENDED ON 5 MARCH 1955, IN ORDER TO APPLY A HIGHER MOST-FAVOURED-NATION RATE OF DUTY ON FRESH TOMATOES IMPORTED INTO THE UNITED KINGDOM WITHOUT IMPOSING A DUTY ON IMPORTS FROM THE TERRITORIES LISTED IN ANNEX A TO THE GENERAL AGREEMENT.

"IN THE CUSTOMS TARIFF OF THE UNITED KINGDOM, THE RELEVANT ITEM APPEARS IN CHAPTER 7 AS HEADING 07.01(K). IT HAS NOT BEEN THE SUBJECT OF A TARIFF CONCESSION BY THE UNITED KINGDOM UNDER THE GENERAL AGREEMENT. PROTECTIVE DUTY HAS AT NO TIME SINCE 1 JANUARY 1939, BEEN CHARGEABLE IN RESPECT OF THE GOODS IN QUESTION WHEN IMPORTED FROM THE TERRITORIES LISTED IN ANNEX A. ATTACHED TO THIS LETTER ARE STATISTICS OF IMPORTS OF FRESH TOMATOES INTO THE UNITED KINGDOM IN 1959.

"THE UNITED KINGDOM GOVERNMENT CONSIDER THAT IT IS NECESSARY THAT THE INCREASED TARIFF PROTECTION SHALL BE AFFORDED FROM THE BEGINNING OF THE SEASON WHICH IS NOW APPROACHING AND THAT ADEQUATE NOTICE SHALL BE GIVEN TO ALL CONCERNED. THEY ARE THEREFORE MAKING THE NECESSARY ORDER FORTHWITH AND INCREASED DUTY WILL BE CHARGEABLE FROM 16 MAY. WHILE RECOGNIZING THAT, UNDER THE PROCEDURES OF THE DECISION OF 24 OCTOBER 1953, TIME SHOULD BE ALLOWED FOR THE CONSIDERATION OF ANY REQUESTS BY OTHER CONTRACTING PARTIES FOR CONSULTATIONS,

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ENVOYÉ PAR : Secrétaire Exécutif, GATT, Adresse télégraphique : ICITO GENÈVE

THE UNITED KINGDOM GOVERNMENT FEEL JUSTIFIED IN PROCEEDING FORTHWITH IN THE PRESENT CASE BECAUSE THE UNITED KINGDOM DOES NOT IMPORT ANY SIGNIFICANT QUANTITY OF TOMATOES FROM ANY OF THE OTHER TERRITORIES LISTED IN ANNEX A TO THE GENERAL AGREEMENT AND THEY SEE NO POSSIBILITY THAT ANY CONTRACTING PARTY COULD MAKE OUT A CASE FOR CONSULTATION WITHIN THE TERMS OF PARAGRAPH (b)(ii) OF THE PROCEDURES OF THE DECISION. SHOULD ANY CONTRACTING PARTY NEVERTHELESS WISH TO REQUEST CONSULTATIONS ON THE GROUND THAT THE INCREASE IN THE M.F.N. DUTY WOULD INVOLVE LIKELIHOOD OF SUBSTANTIAL DIVERSION OF TRADE TO SUPPLIERS ENJOYING PREFERENCE IN VIRTUE OF ANNEX A, THE UNITED KINGDOM GOVERNMENT WOULD BE WILLING TO CONSIDER ANY SUCH REQUEST. IN VIEW OF QUESTIONS WHICH HAVE BEEN RAISED IN THE PAST ABOUT THE INTERPRETATION OF ANNEX A, I AM TO RECALL THAT, FOR THE PURPOSES OF THE GENERAL AGREEMENT, THE CHANNEL ISLANDS HAVE ALWAYS BEEN TREATED AS A PART OF THE CUSTOMS TERRITORY OF THE UNITED KINGDOM. THE UNITED KINGDOM GOVERNMENT WOULD NOT FEEL THAT THEY WERE REQUIRED TO ENTERTAIN REQUESTS FOR CONSULTATIONS WHICH WERE BASED ON ANY QUESTIONING OF THE INTEGRAL CONNEXION OF THE CHANNEL ISLANDS WITH THE UNITED KINGDOM.

"IN ACCORDANCE WITH THE PROCEDURES SET OUT IN THE DECISION, THE GOVERNMENT OF THE UNITED KINGDOM ARE INFORMING THE GOVERNMENT OF THE NETHERLANDS OF THEIR INTENTION TO INVOKE IT."

E. WYNDHAM WHITE

"United Kingdom Imports of Fresh Tomatoes during 1959

| | cwt. | £. |
|---|-----------|--------------|
| Irish Republic | 6,688 | 49,623 |
| Commonwealth Countries | 109 | 559 |
| | <hr/> | |
| Total from territories listed in Annex A to the GATT | 6,797 | 50,182 |
| | <hr/> | |
| Netherlands | 585,754 | 4,425,026 |
| Spain | 304,901 | 1,729,069 |
| Canary Isles | 1,995,632 | 9,955,882 |
| Other Foreign Countries | 10,397 | 43,794 |
| | <hr/> | |
| Total Foreign | 2,896,684 | 16,153,771 |
| | <hr/> | |
| Grand Total | 2,903,481 | 16,203,953 " |
| | <hr/> | |
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