

# SECRET

GATT/AIR/238 (SECRET)

NO. 74  
9 JUNE 1961

SUBJECT: - FRESH BANANAS  
- RE-NEGOTIATION UNDER ARTICLE XXVIII  
- INVOCATION OF THE UNITED KINGDOM WAIVERS

THE COMMUNICATION ANNEXED HERETO, DATED 1 JUNE 1961, HAS BEEN RECEIVED FROM THE UNITED KINGDOM GOVERNMENT.

## INVOCATION OF THE UNITED KINGDOM WAIVERS

A CONTRACTING PARTY WISHING TO REQUEST CONSULTATIONS WITH THE UNITED KINGDOM UNDER PARAGRAPH 2 OF THE PROCEDURES ANNEXED TO THE DECISION OF 5 MARCH 1955 (SPECIAL PROBLEMS OF DEPENDENT OVERSEAS TERRITORIES OF THE UNITED KINGDOM - BISD, THIRD SUPPLEMENT, PAGE 24), OR UNDER PARAGRAPH (b) OF THE PROCEDURES ANNEXED TO THE DECISION OF 24 OCTOBER 1953 (WAIVER TO THE UNITED KINGDOM IN CONNECTION WITH ITEMS TRADITIONALLY ADMITTED FREE OF DUTY FROM COUNTRIES OF THE COMMONWEALTH - BISD, SECOND SUPPLEMENT, PAGE 20), SHOULD SO INFORM THE EXECUTIVE SECRETARY NOT LATER THAN 9 JULY 1961. IN THE ABSENCE OF ANY SUCH REQUEST, THE GOVERNMENT OF THE UNITED KINGDOM WILL BE FREE, UPON MODIFICATION UNDER THE PROCEDURES OF ARTICLE XXVIII OF THE CONCESSION ON FRESH BANANAS, TO TAKE THE ACTION PROPOSED IN PARAGRAPH 3 OF THEIR COMMUNICATION.

E. WYNDHAM WHITE

ANNEX

I am instructed to inform you that the Government of the United Kingdom wish to modify the binding on item 08.01 (B) in the United Kingdom tariff, fresh bananas, and subsequently to invoke in respect of this item the Decision of the CONTRACTING PARTIES of 5 March 1955, and the Decision of 24 October 1953, as amended on 5 March 1955.

Negotiations under Article XXVIII

2. The concession on fresh bananas in the United Kingdom tariff was initially negotiated with the Government of Brazil. The Government of Brazil has not signed the Protocol amending the Preamble and Parts II and III of the General Agreement or the Declaration opened under the Decision of 19 November 1960, on the Continued Application of Schedules 1961-63. Pursuant to paragraph 3 of the Decision of 19 November 1960, the United Kingdom Government will therefore proceed to conduct negotiations for the modification of the concession on bananas in accordance with the procedures of paragraphs 1 to 3 of Article XXVIII.

Invocation of the United Kingdom waivers - Article I and dependent overseas territories

3. It is the intention of the Government of the United Kingdom upon modification of the concession on fresh bananas, to invoke the Decision of the CONTRACTING PARTIES of 5 March 1955, concerning the special problems of their dependent overseas territories, so that the margin of preference for fresh bananas imported into the United Kingdom can be increased for the benefit of the dependent overseas territories supplying this product to the United Kingdom. They also intend 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 this product without imposing a duty on imports from the territories listed in Annex A to the General Agreement.

4. The action proposed by the United Kingdom will be consistent with the requirements of paragraph 2 of the Decision of 5 March 1955. The dependent overseas territories concerned rely in large measure on the United Kingdom as a market for exports of fresh bananas, as is shown by the statistics (Appendix I to this letter) of their exports for 1958, the latest year for which complete figures are available. The statistics (Appendix II) of the source of imports into the United Kingdom during the last three years show that imports of fresh bananas from independent territories covered by Annex A to the General Agreement have been negligible. The proposed action would not afford material benefit to industries or branches of agriculture in the United Kingdom or such independent territories.

5. The action proposed will also be consistent with the requirements of the Decision of 24 October 1953, as amended on 5 March 1955. Protective duty has at no time since 1 January 1939 been chargeable in respect of fresh bananas when imported from the territories listed in Annex A to the General Agreement.

Since negligible quantities of fresh bananas have been imported into the United Kingdom from the independent territories covered by Annex A, an increase in the most-favoured-nation rate of duty is not likely to lead to a substantial increase of imports of fresh bananas from such independent territories at the expense of imports from other sources.

6. I am to request you to regard the present letter as official notification by the Government of the United Kingdom (given in accordance with the procedures of the two Decisions) of their desire to invoke the Decisions of 24 October 1953, and of 5 March 1955, as amended.