

SECRET

No. 7

GATT/AIR/279 (SECRET)

17 APRIL 1962

SUBJECT: NOTIFICATION BY THE UNITED KINGDOM, INVOKING THE
DECISION OF 24 OCTOBER 1953 - FRESH TOMATOES

THE FOLLOWING COMMUNICATION, DATED AND RECEIVED ON 13 APRIL 1962, HAS BEEN ADDRESSED TO THE EXECUTIVE SECRETARY BY THE UNITED KINGDOM DELEGATION:

"I AM INSTRUCTED TO INFORM YOU THAT THE GOVERNMENT OF THE UNITED KINGDOM WISH TO INVOKE THE DECISION OF THE 24TH OF OCTOBER, 1953, AS AMENDED ON THE 5TH OF MARCH, 1955, IN ORDER TO APPLY A HIGHER MOST-FAVOURLED-NATION RATE OF DUTY ON FRESH TOMATOES IMPORTED INTO THE UNITED KINGDOM DURING THE PERIOD OF THE 16TH TO THE 31ST OF MAY WITHOUT IMPOSING A DUTY ON IMPORTS FROM THE TERRITORIES LISTED IN ANNEX A TO THE GENERAL AGREEMENT.

"2. 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 THE 1ST OF JANUARY, 1939 BEEN CHARGEABLE IN RESPECT OF THE PRODUCT IN QUESTION WHEN IMPORTED FROM THE TERRITORIES LISTED IN ANNEX A. ATTACHED TO THIS LETTER ARE STATISTICS OF IMPORTS OF FRESH TOMATOES DURING THE MONTH OF MAY IN THE YEARS 1959, 1960 AND 1961.

"3. THE GOVERNMENT OF THE UNITED KINGDOM CONSIDER THAT IT IS NECESSARY THAT THE INCREASED TARIFF PROTECTION SHALL BE AFFORDED FOR THE RELEVANT PERIOD OF THIS YEAR AND THAT ADEQUATE NOTICE SHALL BE GIVEN TO ALL CONCERNED. THEY WILL THEREFORE MAKE THE NECESSARY ORDER ON THE 9TH OF MAY. WHILE RECOGNISING THAT, UNDER THE PROCEDURES OF THE DECISION OF THE 24TH OF OCTOBER, 1953, TIME SHOULD BE ALLOWED FOR THE CONSIDERATION OF ANY REQUESTS BY OTHER CONTRACTING PARTIES FOR CONSULTATIONS, THE GOVERNMENT OF THE UNITED KINGDOM FEEL JUSTIFIED IN PROCEEDING ACCORDING TO THIS TIMING IN THE PRESENT CASE BECAUSE THE UNITED KINGDOM DOES NOT IMPORT ANY SIGNIFICANT QUANTITY OF TOMATOES FROM ANY OF THE TERRITORIES LISTED IN ANNEX A TO THE GENERAL AGREEMENT. THE GOVERNMENT OF THE UNITED KINGDOM SEE NO POSSIBILITY THEREFORE THAT ANY CONTRACTING PARTY COULD MAKE OUT A CASE FOR CONSULTATION WITHIN THE TERMS OF PARAGRAPH (b)(11) 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 GOVERNMENT OF THE UNITED KINGDOM WOULD BE WILLING TO CONSIDER ANY SUCH REQUEST.

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SENT BY : Executive Secretary, GATT, Tel. address : ICITO GENEVA

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

"4. 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. I SHOULD BE GRATEFUL, THEREFORE IF, IN ACCORDANCE WITH THESE PROCEDURES, YOU WOULD NOTIFY ALL CONTRACTING PARTIES OF THE UNITED KINGDOM'S INTENTION. I AM ALSO TO STRESS THE NEED FOR SECRECY REGARDING THIS COMMUNICATION IN ACCORDANCE WITH (1) OF THE PROCEDURES UNDER THE DECISION."

"ANNEX

IMPORTS OF TOMATOES INTO THE UNITED KINGDOM DURING MAY

<u>COUNTRY</u>	<u>1959</u>	<u>1960</u>	<u>1961</u>
		CWT.	
TOTAL COMMONWEALTH	383	393	295
TOTAL FOREIGN	336,388	378,054	353,192
OF WHICH:-			
NETHERLANDS	135,683	134,783	199,409
CANARY ISLANDS	199,461	241,117	137,932
TOTAL IMPORTS	336,771	378,447	353,487"

E. WYNDHAM WHITE