

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1961 Nr. 60

A. TITEL

Verdrag nopens de Organisatie voor Economische Samenwerking en Ontwikkeling, met Aanvullende Protocollen en Memorandum; Parijs, 14 december 1960

B. TEKST

De tekst van Verdrag, Protocollen en Memorandum is in *Trb.* 1961, 42 geplaatst.

C. VERTALING

Verdrag nopens de Organisatie voor Economische Samenwerking en Ontwikkeling

De Regeringen van de Bondsrepubliek Duitsland, de Republiek Oostenrijk, het Koninkrijk België, Canada, het Koninkrijk Denemarken, Spanje, de Verenigde Staten van Amerika, de Franse Republiek, het Koninkrijk Griekenland, Ierland, de Republiek IJsland, de Italiaanse Republiek, het Groothertogdom Luxemburg, het Koninkrijk Noorwegen, het Koninkrijk der Nederlanden, de Portugese Republiek, het Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland, het Koninkrijk Zweden, de Zwitserse Bondsstaat en de Turkse Republiek;

Overwegende, dat economische kracht en welvaart van wezenlijk belang zijn voor het bereiken van de doeleinden van de Verenigde Naties, het behoud van de persoonlijke vrijheid en de toename van het algemeen welzijn;

Van oordeel, dat zij deze doelstellingen op zeer doeltreffende wijze kunnen bevorderen door de traditie van samenwerking die tussen hen is ontstaan te versterken;

Erkennende, dat het economische herstel en de economische vooruitgang van Europa, waaraan zij door hun deelneming aan de Organisatie voor Europese Economische Samenwerking een belangrijke bijdrage hebben geleverd, nieuwe vooruitzichten hebben geopend voor een versterking van die traditie en voor de toepassing daarvan ten aanzien van nieuwe taken en meer omvattende doelstellingen;

Overtuigd, dat een samenwerking op bredere basis een wezenlijke bijdrage zal vormen tot vreedzame en harmonische betrekkingen tussen de volkeren;

Erkennende, dat hun volkshuishoudingen in toenemende mate van elkaar afhankelijk zijn;

Vastbesloten om door middel van overleg en samenwerking hun huidige en toekomstige mogelijkheden op meer doeltreffende wijze te gebruiken teneinde een optimale groei van hun volkshuishoudingen te bevorderen en het economische en sociale welzijn van hun volkeren te verbeteren;

Van oordeel, dat de economisch meer ontwikkelde landen dienen samen te werken teneinde de landen die een economisch ontwikkelingsproces doormaken naar hun beste vermogen bij te staan;

Erkennende, dat de verdere uitbreiding van de wereldhandel een van de belangrijkste factoren is die de economische ontwikkeling der verschillende landen bevorderen en de internationale economische betrekkingen verbeteren;

Vastbesloten om deze doeleinden na te streven op een wijze die verenigbaar is met hun verplichtingen uit hoofde van hun lidmaatschap van andere internationale organisaties of instellingen of voortvloeiende uit overeenkomsten waarbij zij partij zijn;

Hebben overeenstemming bereikt over de navolgende bepalingen inzake de omvorming van de Organisatie voor Europese Economische Samenwerking tot de Organisatie voor Economische Samenwerking en Ontwikkeling:

Artikel 1

Het doel van de Organisatie voor Economische Samenwerking en Ontwikkeling (hierna genoemd de „Organisatie”) is een beleid te bevorderen, dat er op gericht is:

a. in de deelnemende landen de grootst mogelijke economische groei en werkgelegenheid en een stijgende levensstandaard te bewerkstelligen onder handhaving van de financiële stabiliteit, teneinde aldus bij te dragen tot de ontwikkeling van de wereldeconomie;

b. bij te dragen tot een gezonde economische expansie zowel in de deelnemende als in de niet-deelnemende landen die een economisch ontwikkelingsproces doormaken;

c. bij te dragen tot de uitbreiding van de wereldhandel op multilaterale en niet-discriminatoire grondslag overeenkomstig de internationale verplichtingen.

Artikel 2

Teneinde deze doelstellingen te bereiken komen de Leden overeen zowel individueel als gezamenlijk:

a. een doelmatig gebruik van hun economische hulpbronnen te bevorderen;

b. op wetenschappelijk en technisch gebied de ontwikkeling van hun hulpbronnen te verzekeren, het wetenschappelijk onderzoek aan te moedigen en de beroepsopleiding te bevorderen;

c. een beleid te voeren dat is gericht op het bereiken van economische groei en van interne en externe financiële stabiliteit, en op het vermijden van ontwikkelingen die hun volkshuishouding of die van andere landen in gevaar zouden kunnen brengen;

d. zich te blijven inspannen voor een vermindering of opheffing van de belemmeringen voor het goederen- en dienstenverkeer alsmede voor het lopende betalingsverkeer, en de vrijmaking van het kapitaalverkeer te handhaven en uit te breiden;

e. bij te dragen tot de economische ontwikkeling zowel van de deelnemende landen als van de niet-deelnemende landen die een economisch ontwikkelingsproces doormaken, door passende middelen en in het bijzonder door kapitaal te doen vloeien naar die landen, waarbij rekening wordt gehouden met het belang van het ontvangen van technische bijstand en van het zich verzekeren van zich uitbreidende exportmarkten voor hun volkshuishoudingen.

Artikel 3

Teneinde de in artikel 1 genoemde doelstellingen te bereiken en te voldoen aan de in artikel 2 vervatte verplichtingen komen de Leden overeen dat zij:

a. elkaar op de hoogte zullen houden en de Organisatie alle inlichtingen zullen verstrekken die zij voor de vervulling van haar taak nodig heeft;

b. voortdurend overleg zullen plegen, studies zullen verrichten en zullen deelnemen aan in onderling overleg aanvaarde projecten;

c. nauw zullen samenwerken en, in voorkomende gevallen, gecoördineerd zullen optreden.

Artikel 4

Leden van de Organisatie zijn de Partijen bij dit Verdrag.

Artikel 5

Teneinde haar doelstellingen te bereiken kan de Organisatie:

- a. besluiten nemen, die, tenzij anders is bepaald, voor alle Leden bindend zijn;
- b. aanbevelingen doen aan de Leden;
- c. overeenkomsten aangaan met Leden, niet-leden en internationale organisaties.

Artikel 6

1. Tenzij de Organisatie ten aanzien van bijzondere gevallen met algemene stemmen anders besluit, worden geen besluiten genomen en aanbevelingen gedaan dan met onderling goedvinden van alle Leden.

2. Ieder Lid heeft één stem. Indien een Lid zich onthoudt van stemming over een besluit of een aanbeveling, staat deze onthouding van stemming het nemen van het besluit of het doen van de aanbeveling niet in de weg; het besluit of de aanbeveling is in dat geval van toepassing op de andere Leden doch niet op het Lid dat zich van stemming heeft onthouden.

3. Een besluit is niet bindend voor een Lid zolang het niet heeft voldaan aan zijn grondwettelijk voorgeschreven procedures. De andere Leden kunnen overeenkomen dat een dergelijk besluit voorlopig tussen hen van toepassing zal zijn.

Artikel 7

Een Raad, samengesteld uit alle Leden, is het orgaan waarvan alle handelingen van de Organisatie uitgaan. De Raad kan bijeenkomen in vergaderingen van ministers of van permanente vertegenwoordigers.

Artikel 8

De Raad wijst jaarlijks een voorzitter aan, die de vergadering der ministers voorziet, alsmede twee vice-voorzitters. De voorzitter is telkens eenmaal herkiesbaar voor een tweede, aansluitende, ambtstermijn.

Artikel 9

De Raad kan een uitvoerend comité instellen alsmede alle hulporganen die nodig zijn ter bereiking van de doelstellingen van de Organisatie.

Artikel 10

1. De Raad benoemt voor een ambtstermijn van vijf jaar een secretaris-generaal, die aan de Raad verantwoording verschuldigd is. Hij wordt bijgestaan door een of meer plaatsvervangende secretarissen-generaal of adjunct-secretarissen-generaal, die op voorstel van de secretaris-generaal door de Raad worden benoemd.

2. De secretaris-generaal treedt op als voorzitter van de Raad tijdens vergaderingen van de permanente vertegenwoordigers. Hij staat de Raad op alle daartoe in aanmerking komende wijzen ter zijde en kan aan de Raad en aan elk ander orgaan van de Organisatie voorstellen doen.

Artikel 11

1. De secretaris-generaal benoemt het personeel dat de Organisatie nodig heeft in overeenstemming met door de Raad goedgekeurde organisatie-plannen. Het statuut van het personeel is onderworpen aan de goedkeuring van de Raad.

2. Met het oog op het internationale karakter van de Organisatie vragen noch ontvangen de secretaris-generaal, de plaatsvervangende secretarissen-generaal, de adjunct-secretarissen-generaal en het personeel aanwijzingen van enig Lid of van enige Regering of autoriteit buiten de organisatie.

Artikel 12

Op de door de Raad vast te stellen voorwaarden kan de Organisatie:

- a. zich met wensen tot niet-leden of organisaties richten;
- b. betrekkingen aanknopen en in stand houden met niet-leden of met organisaties;
- c. niet-leden of organisaties uitnodigen aan werkzaamheden van de Organisatie deel te nemen.

Artikel 13

De vertegenwoordiging in de Organisatie van de bij de Verdragen van Parijs en Rome van 18 april 1951 en 25 maart 1957 opgerichte Europese Gemeenschappen zal zijn als bepaald in het Aanvullende Protocol Nr. 1 bij dit Verdrag.

Artikel 14

1. Dit Verdrag dient door de ondertekenende regeringen te worden bekrachtigd of aanvaard in overeenstemming met hun onderscheidene grondwettelijke vereisten.

2. De akten van bekrachtiging of aanvaarding worden nedergelegd bij de Regering van de Franse Republiek, die hierbij wordt aangegeven als depot-regering.

3. Dit Verdrag treedt in werking:

- a. hetzij vóór 30 september 1961, zodra alle ondertekenende regeringen hun akten van bekrachtiging of aanvaarding hebben nedergelegd;
- b. hetzij op 30 september 1961 indien op die datum tenminste 15 ondertekenende regeringen bedoelde akten hebben neder-

gelegd, en wel ten aanzien van die regeringen; en vervolgens ten aanzien van iedere andere ondertekenende regering op de datum van nederlegging van haar akte van bekrachtiging of aanvaarding;

- c. hetzij na 30 september 1961, doch uiterlijk twee jaar na de ondertekening van dit Verdrag, zodra 15 ondertekenende regeringen bedoelde akten hebben nedergelegd, en wel ten aanzien van die ondertekenende regeringen; en vervolgens ten aanzien van iedere andere ondertekenende regering op de datum van nederlegging van haar akte van bekrachtiging of aanvaarding.

4. Iedere ondertekenende regering die op het ogenblik van inwerkingtreding van het Verdrag haar akte van bekrachtiging of aanvaarding niet heeft nedergelegd kan op tussen de Organisatie en die regering bij overeenkomst vast te stellen voorwaarden aan de werkzaamheden van de Organisatie deelnemen.

Artikel 15

Op het ogenblik van inwerkingtreding van dit Verdrag wordt de omvorming van de Organisatie voor Europese Economische Samenwerking van kracht en zullen haar doelstellingen, organen, bevoegdheden en naam zijn als in dit Verdrag bepaald. De rechtspersoonlijkheid die de Organisatie voor Europese Economische Samenwerking bezit gaat over op de Organisatie, doch de besluiten, aanbevelingen en resoluties van de Organisatie voor Europese Economische Samenwerking behoeven de goedkeuring van de Raad om na de inwerkingtreding van dit Verdrag van toepassing te zijn.

Artikel 16

De Raad kan besluiten iedere regering die bereid is de verplichtingen van het lidmaatschap te aanvaarden, uit te nodigen tot dit Verdrag toe te treden. Een dergelijk besluit dient met algemene stemmen te worden genomen met dien verstande dat de Raad in een bepaald geval met algemene stemmen kan beslissen dat onthouding van stemming is toegestaan, in welk geval, ongeacht de bepalingen van artikel 6, het besluit voor alle Leden zal gelden. De toetreding wordt van kracht op het ogenblik van nederlegging van de akte van toetreding bij de depot-regering.

Artikel 17

Iedere Verdragsluitende Partij kan de toepassing van dit Verdrag ten aanzien van haarzelf beëindigen door daarvan twaalf maanden tevoren mededeling te doen aan de depot-regering.

Artikel 18

De zetel van de Organisatie is gevestigd te Parijs, tenzij de Raad anders overeenkomt.

Artikel 19

De rechtsbevoegdheid van de Organisatie en de voorrechten, vrijstellingen en immuniteiten van de Organisatie, haar functionarissen en de vertegenwoordigers van de Leden bij de Organisatie worden geregeld in het Aanvullende Protocol Nr. 2 bij dit Verdrag.

Artikel 20

1. Overeenkomstig een door de Raad aangenomen Financieel Reglement legt de secretaris-generaal elk jaar een jaarlijkse begroting, de jaarrekeningen alsmede alle door de Raad gevraagde aanvullende begrotingen ter goedkeuring voor aan de Raad.

2. De door de Raad goedgekeurde algemene uitgaven van de Organisatie worden omgeslagen volgens een door de Raad vast te stellen schaal. De overige uitgaven worden gefinancierd op een door de Raad vastgestelde grondslag.

Artikel 21

Na ontvangst van iedere akte van bekrachtiging, aanvaarding of toetreding of iedere mededeling van beëindiging geeft de depot-regering daarvan kennis aan alle Verdragsluitende Partijen en aan de secretaris-generaal van de Organisatie.

TEN BLIJKE WAARVAN de ondergetekende gevolmachtigden, daartoe behoorlijk gemachtigd, dit Verdrag hebben ondertekend.

GEDAAN te Parijs, de veertiende december 1960, in de Franse en de Engelse taal, zijnde beide teksten gelijkelijk authentiek, in één enkel exemplaar, dat zal worden nedergelegd bij de depot-regering, die daarvan gewaarmerkte afschriften zal doen toekomen aan alle ondertekenende regeringen.

(Voor de ondertekeningen zie na de Franse en de Engelse tekst, Trb. 1961, 42, blz. 14 en 15.)

**Aanvullend Protocol Nr. 1 bij het Verdrag nopens de Organisatie
voor Economische Samenwerking en Ontwikkeling**

De Regeringen die het Verdrag nopens de Organisatie voor Economische Samenwerking en Ontwikkeling hebben ondertekend,

Zijn overeengekomen als volgt:

1. De vertegenwoordiging in de Organisatie voor Economische Samenwerking en Ontwikkeling van de bij de Verdragen van Parijs en Rome van 18 april 1951 en 25 maart 1957 opgerichte Europese Gemeenschappen wordt geregeld overeenkomstig de institutionele bepalingen van die Verdragen.

2. De Commissies van de Europese Economische Gemeenschap en van de Europese Gemeenschap voor Atoomenergie, alsmede de Hoge Autoriteit van de Europese Gemeenschap voor Kolen en Staal, nemen deel aan de werkzaamheden van die Organisatie.

TEN BLIJKE WAARVAN de ondergetekende gevolmachtigden, daartoe behoorlijk gemachtigd, dit Verdrag hebben ondertekend.

GEDAAN te Parijs, de veertiende december 1960, in de Franse en de Engelse taal, zijnde beide teksten gelijkelijk authentiek, in één enkel exemplaar, dat zal worden nedergelegd bij de Regering van de Franse Republiek, die daarvan gewaarmerkte afschriften zal doen toekomen aan alle ondertekenende regeringen.

(Voor de ondertekeningen zie na de Franse en de Engelse tekst, Trb. 1961, 42, blz. 16 e.v.)

**Aanvullend Protocol Nr. 2 bij het Verdrag nopens de Organisatie
voor Economische Samenwerking en Ontwikkeling**

De Regeringen die het Verdrag nopens de Organisatie voor Economische Samenwerking en Ontwikkeling (hierna genoemd de „Organisatie”) hebben ondertekend,

Zijn overeengekomen als volgt:

De Organisatie bezit rechtsbevoegdheid en de Organisatie, haar functionarissen en de vertegenwoordigers van de Leden bij de Organisatie genieten de volgende voorrechten, vrijstellingen en immuniteiten:

a. op het grondgebied van de Partijen bij het Verdrag nopens Europese Economische Samenwerking van 16 april 1948, de rechtsbevoegdheid, voorrechten, vrijstellingen en immuniteiten voorzien in Aanvullend Protocol Nr. I bij dat Verdrag;

b. in Canada, de rechtsbevoegdheid, voorrechten, vrijstellingen en immuniteiten voorzien in enige overeenkomst of regeling nopens rechtsbevoegdheid, voorrechten, vrijstellingen en immuniteiten tussen de Regering van Canada en de Organisatie;

c. in de Verenigde Staten, de rechtsbevoegdheid, voorrechten, vrijstellingen en immuniteiten krachtens de „International Organizations Immunities Act” als bepaald in „Executive Order No. 10133” van 27 juni 1950; -

d. in alle andere landen, de rechtsbevoegdheid, voorrechten, vrijstellingen en immuniteiten voorzien in enige overeenkomst of regeling nopens rechtsbevoegdheid, voorrechten, vrijstellingen en immuniteiten tussen de betrokken regering en de Organisatie.

TEN BLIJKE WAARVAN de ondergetekende gevolmachtigden, daartoe behoorlijk gemachtigd, dit Verdrag hebben ondertekend.

GEDAAN te Parijs, de veertiende december 1960, in de Franse en de Engelse taal, zijnde beide teksten gelijkelijk authentiek, in één exemplaar, dat zal worden nedergelegd bij de Regering van de Franse Republiek, die daarvan gewaarmerkte afschriften zal doen toekomen aan alle ondertekenende regeringen.

(Voor de ondertekeningen zie na de Franse en de Engelse tekst, Trb. 1961, 42, blz. 20 e.v.)

Memorandum houdende overeenstemming inzake de toepassing van artikel 15 van het Verdrag nopens de Organisatie voor Economische Samenwerking en Ontwikkeling

Artikel 15 van het Verdrag nopens de Organisatie voor Economische Samenwerking en Ontwikkeling (hierna te noemen het „Verdrag”) bepaalt dat de besluiten, aanbevelingen en resoluties (hierna te noemen „handelingen”) van de Organisatie voor Europese Economische Samenwerking de goedkeuring behoeven van de Raad van de Organisatie voor Economische Samenwerking en Ontwikkeling (hierna te noemen de „Raad”) om na de inwerkingtreding van het Verdrag van toepassing te zijn.

Ingevolge een tijdens de bijeenkomst van ministers van 22 en 23 juli 1960 aangenomen resolutie is een Voorbereidend Comité ingesteld dat opdracht heeft gekregen het onderzoek van de handelingen van de Organisatie voor Europese Economische Samenwerking voort te zetten, te beslissen welke handelingen dienen te worden aanbevolen voor goedkeuring door de Raad, en, in voorkomende gevallen, de wijzigingen voor te stellen die nodig zijn om deze handelingen aan te passen aan de functies van de Organisatie voor Economische Samenwerking en Ontwikkeling.

Tijdens genoemde bijeenkomst van ministers werd overeengekomen dat de grootst mogelijke mate van zekerheid dient te bestaan ten aanzien van goedkeuring door de Raad van handelingen van de Organisatie voor Europese Economische Samenwerking overeenkomstig de aanbevelingen van het Voorbereidende Comité; tevens werd overeengekomen dat Canada en de Verenigde Staten, die geen lid zijn van de Organisatie voor Europese Economische Samenwerking, een zekere vrijheid behoren te hebben ten aanzien van bedoelde aanbevelingen.

Derhalve zijn de regeringen die het Verdrag hebben ondertekend het volgende overeengekomen:

1. De vertegenwoordigers van de ondertekenende regeringen in de Raad stemmen voor de goedkeuring van handelingen van de Organisatie voor Europese Economische Samenwerking overeenkomstig de aanbevelingen van het Voorbereidende Comité, behalve voorzover hierna anders is bepaald.

2. Iedere ondertekenende regering die geen lid van de Organisatie voor Europese Economische Samenwerking is geweest wordt ontslagen van de in lid 1 vervatte verplichting ten aanzien van iedere aanbeveling, of een onderdeel daarvan, van het Voorbereidende Comité indien zij binnen tien dagen nadat zij haar akte van bekrachtiging of aanvaarding van het Verdrag heeft nedergelegd in een mededeling aan het Voorbereidende Comité de desbetreffende aanbeveling, of een onderdeel daarvan, nauwkeurig aangeeft.

3. Indien een ondertekenende regering een mededeling doet ingevolge lid 2 heeft iedere andere ondertekenende regering die van

mening is dat bedoelde mededeling een aanzienlijke wijziging brengt in de toestand ten aanzien van de desbetreffende aanbeveling, of een onderdeel daarvan, het recht, binnen veertien dagen na bedoelde mededeling te verzoeken dat het Voorbereidende Comité die aanbeveling, of een onderdeel daarvan, opnieuw in overweging neemt.

4. *a.* Indien een ondertekenende regering een mededeling doet ingevolge lid 2 en er geen verzoek wordt ingediend ingevolge lid 3, of, indien er wel een zodanig verzoek is ingediend, de hernieuwde overweging door het Voorbereidende Comité geen wijziging van de desbetreffende aanbeveling, of een onderdeel daarvan, tot gevolg heeft, onthoudt de vertegenwoordiger in de Raad van de ondertekenende regering die de mededeling heeft gedaan, zich van stemming over de handeling, of een onderdeel daarvan, waarop de aanbeveling of een onderdeel daarvan, betrekking heeft.

b. Indien de hernieuwde overweging door het Voorbereidende Comité, bedoeld in lid 3, een wijziging van een aanbeveling, of van een onderdeel daarvan, tot gevolg heeft, kan de vertegenwoordiger in de Raad van de ondertekenende regering die de mededeling heeft gedaan zich onthouden van stemming over de handeling, of een onderdeel daarvan, waarop de gewijzigde aanbeveling, of het onderdeel daarvan, betrekking heeft.

c. Onthouding van stemming door een ondertekenende regering ingevolge *a* of *b* van dit lid ten aanzien van een handeling, of een onderdeel daarvan, staat de goedkeuring van die handeling, of het onderdeel daarvan, niet in de weg; de handeling, of een onderdeel daarvan, is in dat geval van toepassing op de andere ondertekenende regeringen, doch niet op de ondertekenende regering die zich van stemming heeft onthouden.

5. De bepalingen van dit Memorandum ten aanzien van de maatregelen die moeten worden genomen voordat de Raad tot stemming overgaat treden in werking op het ogenblik waarop het Memorandum wordt ondertekend; de bepalingen ten aanzien van het stemmen in de Raad treden voor iedere ondertekenende regering in werking op het ogenblik dat het Verdrag voor die ondertekenende regering in werking treedt.

TEN BLIJKE WAARVAN de ondergetekenden hun handtekening onder dit Memorandum hebben gesteld.

GEDAAN te Parijs, heden, de veertiende december negentienhonderdzestig, in de Franse en de Engelse taal, zijnde beide teksten gelijkelijk authentiek, in één enkel exemplaar, dat zal worden nedergelegd bij de Regering van de Franse Republiek, die daarvan gewaarmerkte afschriften zal doen toekomen aan alle ondertekenende regeringen.

(Voor de ondertekeningen zie na de Franse en de Engelse tekst, Trb. 1961, 42, blz. 26 e.v.).

D. GOEDKEURING

Zie *Trb.* 1961, 42.

E. BEKRACHTIGING

De volgende Staten hebben, in overeenstemming met artikel 14, lid 2, van het Verdrag, een akte van bekrachtiging van Verdrag en Protocollen bij de Franse Regering nedergelegd:

Canada	10 april 1961
de Verenigde Staten van Amerika	12 april 1961
Groot-Brittannië en Noord-Ierland	2 mei 1961

G. INWERKINGTREDING

Zie *Trb.* 1961, 42.

Wat het Koninkrijk der Nederlanden betreft, zullen Verdrag, Protocollen en Memorandum voor het gehele Koninkrijk gelden.

J. GEGEVENS

Van het op 26 juni 1945 te San Francisco ondertekende Handvest van de Verenigde Naties, naar welke organisatie wordt verwezen in de preambule tot het onderhavige Verdrag, zijn tekst en vertaling opgenomen in *Stb.* F 321; zie ook, laatstelijk, *Trb.* 1961, 24.

De Organisatie voor Europese Economische Samenwerking, naar welke organisatie wordt verwezen in de preambule en artikel 15 van het onderhavige Verdrag alsmede in paragraaf *a* van Aanvullend Protocol Nr. 2 en in het Memorandum, is opgericht bij het Verdrag van Parijs van 16 april 1948. Tekst en vertaling van dat Verdrag zijn opgenomen in *Stb.* I 484. Zie ook *Trb.* 1961, 41, waarin tekst en vertaling zijn opgenomen van een op 14 december 1960 te Parijs ondertekend Protocol inzake de herziening van genoemd Verdrag.

Van het Aanvullende Protocol Nr. I bij bovengenoemd Verdrag van 1948, betreffende de rechtsbevoegdheid, voorrechten en immuniteiten van de Organisatie voor Europese Economische Samenwerking, naar welk Protocol wordt verwezen in paragraaf *a* van Aanvullend Protocol Nr. 2 bij het onderhavige Verdrag, zijn tekst en vertaling opgenomen in *Stb.* I 484, blz. 26—38 en blz. 58—63.

De Europese Gemeenschap voor Kolen en Staal, waarnaar wordt verwezen in artikel 13 van het onderhavige Verdrag en in Aanvullend Protocol Nr. 1, is opgericht bij het Verdrag van Parijs van 18 april 1951. Tekst en vertaling van dat Verdrag zijn opgenomen in *Trb.* 1951, 82; zie ook *Trb.* 1953, 50 en *Trb.* 1959, 49.

De Europese Economische Gemeenschap, waarnaar wordt verwezen in artikel 13 van het onderhavige Verdrag en in Aanvullend

Protocol Nr. 1, is opgericht bij het Verdrag van Rome van 25 maart 1957. De Nederlandse tekst van dat Verdrag is opgenomen in *Trb.* 1957, 91; zie ook *Trb.* 1957, 249.

De Europese Gemeenschap voor Atoomenergie (Euratom), waarnaar wordt verwezen in artikel 13 van het onderhavige Verdrag en in Aanvullend Protocol Nr. 1, is opgericht bij het Verdrag van Rome van 25 maart 1957. De Nederlandse tekst van het Verdrag is opgenomen in *Trb.* 1957, 92; zie ook *Trb.* 1957, 250.

Het onderhavige Verdrag, de beide Aanvullende Protocollen en het Memorandum zijn, evenals het Protocol inzake de herziening van het Verdrag nopens Europese Economische Samenwerking van 16 april 1948 (*Trb.* 1961, 41), opgesteld door een op 23 juli 1960 ingesteld Voorbereidend Comité. Dat Comité heeft verslag uitgebracht aan de Ministers van de Verdragsluitende Partijen, op 13 december 1960 te Parijs bijeen, welk verslag tijdens die bijeenkomst is goedgekeurd. De Engelse tekst van het goedkeuringsbesluit en van het verslag volgen hieronder:

Resolution concerning the Report of the Preparatory Committee
adopted at the Ministerial Meeting on 13th December, 1960

Representatives of the Governments of the following countries: Austria, Belgium, Canada, Denmark, the Federal Republic of Germany, France, Greece, Iceland, Ireland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, Turkey, the United Kingdom, and the United States of America;

Having regard to the Resolution relating to the Preparatory Committee adopted at the Ministerial Meeting of 23rd July, 1960;

Having regard to the Convention on the Organisation for Economic Co-operation and Development;

Desiring that effect be given to the recommendations of the Preparatory Committee;

Approve the Report of the Preparatory Committee and accept the recommendations contained therein.

Report of the Preparatory Committee

INTRODUCTION ¹

1. The Preparatory Committee constituted by the Ministerial Resolution of 23rd July, 1960, held sessions from 14th September to 23rd November, 1960, under the Chairmanship of Mr. Thorkil Kristensen, Secretary-General Designate of the O.E.C.D. The main task of the Committee was to complete the Draft Convention, to define the structure of the reconstituted Organisation and to determine which Acts of the O.E.E.C. should be recommended to the Council of the O.E.C.D. for approval. The Committee have accomplished their task and reached agreement on recommendations covering these fields.

2. The reconstituted Organisation, which will include Canada and the United States as Members, will be called the Organisation for Economic Co-operation and Development. It will succeed the O.E.E.C. after ratification of the Convention. In order to ensure a smooth transition, the Preparatory Committee think it important that the work of the O.E.E.C. in the interim should be strengthened and oriented towards the goals set forth in the new Convention and the present Report, and that Canada and the United States should be closely associated with this work. At the same time, the Preparatory Committee should be instructed to work out further proposals to facilitate the coming into being of the O.E.C.D.

3. We have now entered a new phase in the development of our economies. The reconstruction of the European economy, sustained by United States aid and furthered by co-operation within the O.E.E.C., has been successfully accomplished and has led to the achievement of external convertibility of most European currencies. At the same time, freer trade and payments combined with rapid technological progress have made the economies of individual countries increasingly interdependent. The need for international co-operation on a wider basis has become ever more compelling.

4. It is against this background and in order better to meet the needs of today that the new Convention sets out as the aims of the reconstituted Organisation :

- a) to achieve the highest sustainable economic growth and employment and a rising standard of living in Member countries, while maintaining financial stability and thus to contribute to the development of the world economy ;
- b) to contribute to sound economic expansion in Member as well as non-member countries in the process of economic development ; and
- c) to contribute to the expansion of world trade on a multilateral, non-discriminatory basis in accordance with international obligations.

5. In all its activities the Organisation should aim at being an effective instrument not only for securing prosperous and balanced economies in Member countries, but also for improving directly and indirectly the situation of less-developed countries, in which respect we feel that the Members of the Organisation have a special responsibility.

PART I

STRUCTURE OF THE O.E.C.D.

INTRODUCTION

6. The Ministerial Resolution of 23rd July, 1960, instructed the Preparatory Committee "to define the structure of the reconstituted Organisation and to draw up the terms of reference of the main organs necessary for the accomplishment of the tasks currently agreed for the reconstituted Organisation".

7. In fulfilment of this instruction the Preparatory Committee herewith submit recommendations concerning the establishment of the Committees of the O.E.C.D., under the Council, required to implement the aims of the Organisation, with descriptions of the tasks which these Committees would perform.

The Preparatory Committee also include in this Part mandates for those Committees which will have the broadest responsibilities for carrying out the aims of the Organisation as set forth in Article 1 of the Convention, namely economic growth, assistance to countries in the process of economic development and trade.

The Preparatory Committee have not made recommendations about the establishment of each and every Committee in the Organisation. The Preparatory Committee might recommend the establishment of additional Committees following the signature of the Convention. In their recommendations the Preparatory Committee have sought to reserve the greatest possible latitude to the Council to define the terms of reference of O.E.C.D. Committees and to determine the relationships among them. The Council of the O.E.C.D. will, of course, be competent to modify the structure of the Organisation in any way it deems appropriate, it will be able to establish new Committees, abolish existing ones or change their terms of reference.

8. In addition to the general mandate on structure set forth in Resolution OECD(60)14, the Preparatory Committee received a specific instruction from the Ministers, in paragraph 5 of Resolution OECD(60)13 on Aid to Developing Countries, to make recommendations on how this Resolution should be implemented.

9. Because of the newness and importance of this task, the Preparatory Committee have especially sought flexibility in the structure they

recommend in this field. They are of the opinion that most of the organs of the O.E.C.D. will and should be increasingly concerned with the implementation of Article 1 *b*) of the Convention. When the Secretary-General feels the need for specialist advice, he can consult individual experts or call together expert groups. For particular aspects of these tasks, there will be the Development Assistance Committee whose establishment was decided upon by the above-mentioned Ministerial Resolution. The Preparatory Committee have also described the functions of the Economic and Development Review Committee, the Technical Assistance Committee, the Payments Committee and of some other Committees in such a manner as to give effect to paragraph 4 of that Resolution.

10. The following paragraphs deal with the Committees which will exist or which the Preparatory Committee recommend should be established at the inception of the Organisation.

ECONOMIC POLICY COMMITTEE

11. The Preparatory Committee recommend the creation of an Economic Policy Committee to be the main body of the Organisation in matters of economic policy. Its sessions should be attended by senior officials with a major responsibility in the formulation of general economic policies. The Committee may make proposals and recommendations to the Council.

12. It is further recommended that the mandate of the Economic Policy Committee should be as follows :

- a) The Economic Policy Committee will keep under review the economic and financial situation and policies of Member countries with a view to attaining the objectives of the Convention.
- b) In reviewing the economic policy of Member countries, the Committee will pay special attention to the international effects of national policies in the light of the increasing interdependence of their economies and of the recognition that efforts of individual countries will be influenced by the actions of others, with a view to establishing a climate of mutual understanding conducive to the harmonious adjustment of policies.

ECONOMIC AND DEVELOPMENT REVIEW COMMITTEE

13. The Preparatory Committee recommend the establishment of an Economic and Development Review Committee which will, among other tasks assigned to it, be responsible for the annual examination of the economic situation of Member countries.

The Committee would study and make comments and recommendations to the Council on the development programmes of the Member countries in the process of economic development, and advise the

Council on other development problems that such Member countries may submit to the Organisation, with a view to assisting the Council in ensuring that the responsibilities of the other committees charged with carrying out the tasks arising out of paragraph 4 of the Ministerial Resolution of 23rd July, 1960 [OECD(60)13] are adequately co-ordinated. The Committee would have the right to request the Secretary-General to call upon individual experts or expert groups to advise the Committee as may seem necessary in any given case.

DEVELOPMENT ASSISTANCE COMMITTEE

14. As decided by the Ministerial Resolution of 23rd July, 1960 [OECD(60)13], the Development Assistance Group shall, upon the inception of the O.E.C.D., be constituted as the Development Assistance Committee, and given the following mandate :

- a) The Committee will continue to consult on the methods for making national resources available for assisting countries and areas in the process of economic development and for expanding and improving the flow of long-term funds and other development assistance to them.
- b) The Development Assistance Committee will acquire the functions, characteristics and membership possessed by the Development Assistance Group at the inception of the Organisation.
- c) The Committee will select its Chairman, make periodic reports to the Council and its own Members, receive assistance from the Secretariat as agreed with the Secretary-General, have power to make recommendations on matters within its competence to countries on the Committee and to the Council, and invite representatives of other countries and international organisations to take part in particular discussions as necessary.
- d) The Development Assistance Committee may act on behalf of the Organisation only with the approval of the Council.
- e) In case the responsibilities of the Development Assistance Committee were to be extended beyond those set forth under a), any Member country not represented in the Development Assistance Committee could bring the matter before the Council.

TECHNICAL ASSISTANCE COMMITTEE

15. The Preparatory Committee recommend the creation of a Technical Assistance Committee to deal with questions of technical assistance in accordance with Article 2(e) of the Convention. This Committee, which might make any recommendation to the Council within its mandate, would be mainly responsible for drawing up and supervising the programmes of technical assistance which would be arranged for the benefit of Member countries or, in special cases, areas of Member countries, in the process of development. The technical assistance programmes contemplated would be similar in type to those operated at present on behalf of Member countries by the O.E.E.C.

TRADE COMMITTEE

16. As decided by the Ministerial Resolution of 23rd July, 1960 [OECD(60)9(Final)] there shall, upon the inception of the O.E.C.D., be constituted a Trade Committee which shall carry out, in particular, the following functions :

- a) Confrontation of the general trade policies and practices at regular intervals or whenever requested by a Member having in mind the need for maintaining a system of multilateral trade which would enable Members to exchange goods and services freely with each other and with other countries under conditions of reasonable overall equilibrium in international balance of payments ;
- b) Examination of specific trade problems primarily of interest to Members and their overseas territories ; and
- c) Consideration of any short and long-term problems falling within the terms of reference of the Committee on Trade problems established at the Meeting of Ministers of the twenty Members and Associate Members of the Organisation for European Economic Co-operation and Representatives of the European Communities held at Paris on 13th-14th January, 1960, and which remain outstanding.¹

As stated in the above-mentioned Ministerial Resolution, it is understood that the provisions relating to the Trade Committee set out above would enable any Member country to obtain prompt consideration and discussion by the Committee of trade measures by another Member which adversely affect its interests, with a view to removing or minimizing such adverse effects.

A description of the ways and means in accordance with which the Trade Committee shall exercise its functions is given in Part II, Chapter 2, of this Report.

PAYMENTS COMMITTEE

17. The Preparatory Committee recommend the creation of a Payments Committee to advise the Council on O.E.C.D. activities in the field of payments, including invisible transactions, capital movements and such aspects of long-term financing as may be assigned by the Council to the Committee. This Committee will review the reports of the Committee for Invisible Transactions and of the Board of Management of the European Monetary Agreement and forward to the Council any comments on these reports. The terms of reference of the Payments Committee and its relationship to other bodies of the Organisation will be determined by the Council of the O.E.C.D.

1. The Preparatory Committee have proposed this paragraph in place of paragraph 1 c) of OECD(60)9(Final).

BOARD OF MANAGEMENT OF THE EUROPEAN MONETARY AGREEMENT

18. The Board of Management of the European Monetary Agreement will be retained with the composition and mandate defined in the European Monetary Agreement and in the Directives for the application of the Agreement. Canada and the United States do not intend to accede to this Agreement.

COMMITTEE FOR INVISIBLE TRANSACTIONS

19. The Preparatory Committee recommend the creation of a Committee for Invisible Transactions with the composition and mandate to be defined in the Code of Liberalisation of Current Invisible Operations and in the Code of Liberalisation of Capital Movements.

INSURANCE COMMITTEE

20. The Preparatory Committee recommend the creation of an Insurance Committee or Group to continue the activities of the type now undertaken by the O.E.E.C. and to deal with such other functions in this field as the Council may decide.

AGRICULTURE AND FISHERIES

21. The Preparatory Committee agree that the activities of the Organisation concerning agriculture and fisheries should be strengthened and closely integrated with the Organisation's other activities in pursuit of the objectives of the Convention.

22. With regard to agriculture, the Preparatory Committee recommend the creation of a Committee responsible to the Council to consider, advise and make recommendations to the Organisation on agricultural problems and policies pertinent to the objectives of the Convention.

23. The Committee shall meet at Ministerial level in order to examine major problems in the agricultural sector, including those connected with other aspects of the Organisation's work.

24. With regard to activities in the fisheries sector, appropriate arrangements will have to be made by creating a special, separate, Committee,

25. The Preparatory Committee have requested their Chairman to consult the Ministers concerned on the way to give effect to these recommendations and to make proposals to the Committee before the coming into force of the Convention.

26. The Committee may be authorized by the Council to assume operational tasks.

COMMITTEE FOR SCIENTIFIC AND TECHNICAL PERSONNEL AND COMMITTEE FOR SCIENTIFIC RESEARCH

27. In the field of science and technology, the Preparatory Committee recommend the creation of :

- a) a Committee for Scientific and Technical Personnel which will have similar terms of reference and carry on a similar programme of activities to that of the O.E.E.C. Governing Committee for Scientific and Technical Personnel and
- b) a Committee for Scientific Research which would be responsible for activities concerning scientific research and other activities in the field of science.

EUROPEAN NUCLEAR ENERGY AGENCY

28. The Preparatory Committee recommend that the European Nuclear Energy Agency should be retained in its present form within the Organisation.

COMMITTEES FOR ENERGY AND INDUSTRY

29. The Preparatory Committee recommend that co-operation among Member countries in the fields of Energy and Industry be maintained. The Secretary-General will, if possible before the coming into force of the Convention and not later than one year after its coming into force, make proposals as to the creation, role, nature and length of the mandate of the committees or groups of the Organisation in these fields. He will consult Delegations, the Chairmen of existing committees and any experts whose opinion he desires.

30. His proposals should take into account :

- a) the aims and structure of the Organisation and the activities which the Preparatory Committee recommend should be pursued ;
- b) the need for the greatest possible concentration of its activities, so as to increase its effectiveness ;
- c) the views of the Member Governments concerning the Organisation's activities in the fields of Energy and Industry, including the value attached by certain countries to maintaining the collaboration which has developed between O.E.E.C. and the various sectors of industry ;
- d) similar activities in other international organisations.

31. When the Secretary-General's proposals are submitted, the Preparatory Committee or the O.E.C.D. Council should consider them in their entirety, with a view to taking a decision establishing a useful and coherent structure in which a sufficient and representative number of countries are willing to participate.

32. The Preparatory Committee recommend that the existing committee structure should be retained until it is replaced by the new structure, but not for more than one year after the coming into force of the Convention. Individual committees might be abolished earlier if the Council so decided.

TOURISM COMMITTEE

33. The Preparatory Committee recommend that co-operation in the field of tourism should be continued. To this effect the present structure should be reviewed and adapted in the light of future requirements.

MARITIME TRANSPORT COMMITTEE

34. The Preparatory Committee recommend the creation of a Maritime Transport Committee which shall be responsible for keeping the Organisation informed of significant developments in the field of maritime transport. The Committee shall also be responsible for consultations concerning the policies of Members and may submit recommendations to the Council in cases where this appears appropriate. The reports and/or recommendations of the Maritime Transport Committee should where appropriate be submitted to the relevant bodies of the Organisation for comment prior to submission to the Council.

MANPOWER COMMITTEE

35. The Preparatory Committee recommend the creation of a Manpower Committee to deal with manpower questions connected with the general objectives of the Organisation and those social questions which are closely linked with manpower problems. This Committee would also continue the work of the O.E.E.C. in connection with manpower movements in Europe. The Committee could, if the Council so instructed it, carry out certain operational tasks.

FISCAL COMMITTEE

36. The Preparatory Committee recommend the creation of a Fiscal Committee to continue the activities of the type now undertaken by the O.E.E.C. and to deal with such other functions in this field as the Council may decide.

GROUP OF EXPERTS ON RESTRICTIVE BUSINESS PRACTICES

37. The Preparatory Committee recommend the creation of a Group of Experts on Restrictive Business Practices to continue the activities of the type now undertaken by the European Productivity Agency and to deal with such other functions in this field as the Council may decide.

PRESENT ACTIVITIES OF THE EUROPEAN PRODUCTIVITY AGENCY

38. The Preparatory Committee recommend that responsibility for the following European Productivity Agency projects not completed when the new structure comes into force should be transferred as follows :

- a) Present European Productivity Agency projects especially designed for Member countries in the process of economic development should be transferred to the Technical Assistance Committee. This Committee would also provide a forum for discussion and co-operation, as hitherto, on the Third Country Training Programme ;
- b) Present European Productivity Agency applied research projects should be transferred to the Committee for Scientific Research.

39. The Preparatory Committee recommend that they should be instructed to review all other current European Productivity Agency programmes after the signature of the Convention, in the light of the aims and objectives of the Organisation, with a view to defining those fields of activity for which programmes should be established in the future. It will be understood that such operational programmes as may be continued among a limited number of countries will be financed by those countries. This review should embrace the organisational, financial and administrative arrangements for these activities. Finally, the Preparatory Committee recognise the need for adequate arrangements to ensure administrative and financial control of the operational activities of the O.E.C.D. They propose that they should consider these matters during the next phase of their work and in this connection examine whether any organ other than the Council is required to co-ordinate all the activities mentioned above and the allocation of resources among them.

40. The Preparatory Committee are also of the opinion that national bodies which were, within the European Productivity Agency, given facilities for exchanging their experience and information, could be given similar facilities in the Organisation.

PART II

REVIEW OF THE ACTS OF THE O.E.E.C.

INTRODUCTION

41. The Ministerial Resolution of 23rd July, 1960, instructed the Preparatory Committee " to carry further the review of the Acts of the Organisation for European Economic Co-operation ; to determine which Acts should be recommended to the Council of the reconstituted Organisation for approval ; and to propose, where necessary, the modifications required in order to adapt these Acts to the functions of the reconstituted Organisation as currently agreed by Governments "

42. The conclusions reached by the Preparatory Committee as a result of the review of the Acts of the O.E.E.C. may be classified in the four following categories :

43. *First category.* In cases where the Preparatory Committee concluded that an Act of the O.E.E.C. should be retained without modification of substance, they have made a recommendation to that effect in this Report. By virtue of the Memorandum of Understanding on the Application of Article 15 of the Convention, that Act must then be approved by the O.E.C.D. Council, unless it is reconsidered in accordance with that Memorandum.

44. Most of the Acts retained require purely formal amendments as they contain references to bodies of the O.E.E.C. the functions and powers of which will be transferred to corresponding bodies of the O.E.C.D. In some cases, certain provisions of Acts have become obsolete as a result of contrary provisions in subsequent Acts of the O.E.E.C. which are also retained. The Preparatory Committee have been unable to put the texts in appropriate form and propose that this task be carried out as soon as possible after the signature of the Convention.

45. It is recognised that in the absence of any indication to the contrary in this Report, a retained Act carries with it any reservations or interpretations concerning it or any of its provisions made in the course of its consideration by the O.E.E.C. Council, or made in the course of its consideration by the Preparatory Committee and noted in this Report.

46. It may result either from the subject matter of an Act, or from a provision contained in it or proposed to be inserted in it by the Preparatory Committee, that such Act will not apply to the Members of the O.E.C.D. not previously Members of the O.E.E.C. This Report indicates the instances in which retained Acts do not or may not apply to such Members. These indications are equivalent to recommendations within the meaning of paragraph 1 of the Memorandum of Understanding on the Application of Article 15. They will permit the new Members to abstain at the time of voting in the O.E.C.D. Council without having to invoke the procedure of paragraph 2 of that Memorandum.

47. *Second category.* In certain cases, the Preparatory Committee have concluded that an Act should be retained but have agreed upon modifications of substance to be made to it and have submitted recommendations to that effect in this report. By virtue of the Memorandum of Understanding on the Application of Article 15, such an Act must then be approved by the O.E.C.D. Council with the amendments specified by the Preparatory Committee, unless it is reconsidered pursuant to that Memorandum.

48. In certain cases, the Preparatory Committee have not been able to specify the actual wording of the amendments to be made to an Act which has been retained, but have confined themselves to agreeing on the general sense in which the Act or part thereof should be amended. It will then be for the Preparatory Committee, after the signature of the Convention and on the basis of the recommendations on the subject contained in this Report, to formulate the amendments to be made to the Act so that it can be approved by the Council of the O.E.C.D.

49. *Third category.* In other cases, the Preparatory Committee have not concluded that Acts should be retained but have agreed that certain activities, principles or rules provided for in the Act should be retained or should be the subject of further consideration under specified conditions.

50. The recommendations to this effect contained in this Report do not come within the scope of the Memorandum of Understanding on the Application of Article 15 since they do not provide for the retention of Acts of the O.E.E.C. As a rule, recommendations by themselves are not binding on the Governments or organisations to which they are addressed, which are merely required to take them into consideration, but retain freedom of judgement as to the action to be taken upon them.

51. For this reason, it appears necessary that the Ministerial Meeting, in approving this Report, should accept the recommendations contained in it. This acceptance would confirm the determination of Governments that the subsequent work of the Preparatory Committee and the O.E.C.D. be carried on in accordance with those recommendations.

52. The Preparatory Committee consider that this acceptance is sufficient to assure that their recommendations will be carried out by the O.E.C.D. Council.

53. *Fourth category.* In cases where the Preparatory Committee have not concluded that an Act should be retained and have made no recommendations relating to the Act in its Report, the Act will lapse by virtue of Article 15 of the Convention as soon as the Convention comes into force.

Chapter 1

GENERAL ECONOMIC POLICIES

54. The Preparatory Committee recommend that the Organisation should continue the periodic review of economic developments in Member countries. They believe that the results of the existing O.E.E.C. annual review confrontation are worth while and that they deserve to be continued with any appropriate improvements to be decided by the Council of the Organisation.

55. The Preparatory Committee also recommend that, in line with the obligation to keep the Organisation informed, each Member country should submit to the Organisation, for the attention of the competent bodies of the latter, information with regard to changes in its policy which it considers have a significant impact on its economy.

56. The Committee do not think it necessary to retain *Resolution C (56)36(Final)* containing directives for the work of the O.E.E.C. or *Resolution C(58)213* concerning the economic situation.

57. The Committee nevertheless think it worth recalling that some of the principles set out in the Acts referred to above remain valid. Thus the problems involved in long-term economic expansion merit intensive study and Governments should try to deal with these problems individually and jointly. In their endeavours to achieve expansion and equilibrium by the most appropriate measures, Member countries should take into consideration the effects of their actions on others and the advantages of pursuing these objectives in concert.

Chapter 2

TRADE

INTRODUCTION

58. The Preparatory Committee's work on trade questions has been determined by the special mandate embodied in the Resolution on trade OECD(60)9(Final), adopted by the Ministers at the meeting of 23rd July, 1960. This mandate comprises two tasks :

- to work out ways and means in accordance with which the Trade Committee of the O.E.C.D. shall exercise its functions as set out in that Resolution ;
- to study the Acts on trade in the O.E.E.C. other than the undertakings of the Code of Liberalisation with regard to liberalisation of trade.

In their work the Preparatory Committee bore in mind the general objectives of the Organisation in the field of trade as defined in Articles 1 *c*) and 2 *d*) of the Draft Convention.

59. The Preparatory Committee have agreed that all the conclusions set out in this chapter constitute a recommendation which the Ministerial Meeting is invited to accept.

WAYS AND MEANS

60. With a view to working out the ways and means by which the Trade Committee will function, the Preparatory Committee reviewed the activities which this Committee will be called upon to undertake. They have limited themselves to giving a broad outline of these activities ; one effect of this will be to permit the Trade Committee a high degree of flexibility in arranging its work.

The Preparatory Committee also make certain proposals for the structure of the Trade Committee. The rules for the nature and frequency of the reports of the Trade Committee to the Council and the detailed rules of procedure concerning this Committee will have to be determined at a later date.

No reference is made in this chapter to the function defined in paragraph 1 *c*) of Resolution OECD(60)9(Final), relating to the consideration of problems falling within the terms of reference of the Committee on Trade Problems. The Preparatory Committee consider

that the necessary ways and means for dealing with these important problems will have to be worked out at a later stage.

A. *Activities of the Trade Committee*

Information

61. The draft Convention already provides, in Article 3 a), that Member countries will keep each other informed and will furnish the Organisation with the information necessary for the accomplishment of its tasks. The Preparatory Committee consider that this information should take the form of notifications made to the Organisation which would bring them to the knowledge of the Member countries. The Trade Committee will have to make certain that information in the field of trade (application of quantitative restrictions, etc.) is ensured and kept up to date. In the opinion of the Preparatory Committee, this is an essential task which underlies all other activities of the Trade Committee.

Confrontation

62. Confrontation at regular intervals in the field of trade, which is without precedent in the O.E.E.C., constitutes an essential feature of the trade activities of the O.E.C.D. In the course of these confrontations, the general trade policy of each Member country and its trade practices will be examined with special attention to the outstanding features of policy and any significant modification in its application, especially as to the incidence which such policy may have on the economic situation of other countries. The Preparatory Committee think that at the outset, the Trade Committee should carry out a wide-ranging and fairly detailed confrontation and thus acquire the background information and knowledge which would assist it to determine the programme of subsequent confrontations in the light of circumstances. (To begin with, regular confrontation could, for example, take place once a year; this timing might be altered later in the light of experience.) Owing to the interdependence between trade policy and economic and financial policies, confrontation must be arranged with due consideration for the need to co-ordinate it with the work of the other O.E.C.D. bodies. Regard should be had to experience gained in the field of confrontation of economic policies in O.E.E.C.

If this confrontation is to be effective, the questions covered must be selected in the light of their practical interest and topical character and must be clearly formulated before each confrontation.

Should circumstances so require, *ad hoc* confrontations could be arranged, for example, in the event of a major modification in the trade policy of a Member country since the last regular confrontation or if, following a substantial change in its situation, a Member country did not make the appropriate changes in its trade policy.

Examination of trade problems

63. The Trade Committee will be called upon to examine the problems specified in paragraph 1 b) of the Resolution OECD(60)9(Final); such problems may, for example, arise out of a confrontation. It will also have to consider the trade aspects of more general questions dealt with by other organs of the O.E.C.D.

64. The Trade Committee will carry out its functions, as they relate to Member countries in the process of economic development, in the light of the provisions of Article 2 e) of the draft Convention.

Special case of Member countries applying for or receiving loans from the European Fund

65. The Preparatory Committee consider that the present trade activities of the O.E.E.C. in the case of loans applied for or received by Member countries from the European Fund should be adapted to the framework of the O.E.C.D. with a view to ensuring the participation of the Trade Committee in the work concerning the granting of these loans. The Trade Committee should carry out a detailed and continuous examination of the trade policy of the countries concerned and make any appropriate recommendations, especially as to the policy which those countries should follow in order to maintain or increase trade liberalisation, or restore it as rapidly as possible. In this connection, an appropriate liaison should be established between the Trade Committee and the organs of O.E.C.D. dealing with payment questions.

Use and adaptation of various procedures

66. The Preparatory Committee are of the opinion that the Trade Committee should be left to work out its own procedures in detail for the proper organisation of its activities under the various headings given above.

It would be in the spirit of the Resolution on Trade that these procedures be arranged so that all the functions of the Trade Committee will be carried out in the most efficient and expeditious manner possible. The Preparatory Committee consider therefore that it would be desirable for the Trade Committee to adapt its procedures to the nature of the problems for which it has a responsibility, with a view to avoiding unnecessarily formalism. In this sense, and according to circumstances, any Member country wishing to raise a problem arising out of the trade measures taken by other Members may ask for a consultation under an informal procedure.

In carrying out its tasks, the Trade Committee shall have due regard to the fact that Member countries are to be able to obtain prompt consideration and discussion of commercial problems as provided for in the Resolution.

B. Structure of the Trade Committee

67. The Preparatory Committee think that the Trade Committee should be a plenary committee where senior officials responsible for the execution of the trade policy of their Governments represent the Member countries ; these senior officials should be entitled to be represented by a deputy. The Preparatory Committee, however, wish to stress the importance of continuity in representation on the Trade Committee.

The Trade Committee should have power to delegate work to subsidiary bodies whose composition it would itself determine. This also applies to the work which the Committee would have to do jointly with other O.E.C.D. Committees.

68. The representation of the European Communities is already specified in the Convention (Article 13 and Supplementary Protocol No. 1). The representation of the Secretary-General of the European Free Trade Association is ensured by virtue of Resolution OECD(60)15(Final). The Preparatory Committee further desire to stress the importance of liaison with the G.A.T.T. and the interest it attaches to the attendance of the Executive Secretary of the G.A.T.T. or his representative at meetings of the Trade Committee. The Preparatory Committee agreed that appropriate arrangements to this end should be made by the O.E.C.D. Council which would consider the question of reciprocal representation at the same time.

CONSIDERATION OF THE ACTS

69. In considering the trade Acts of the O.E.E.C., the Preparatory Committee note that the transition from the O.E.E.C. to the O.E.C.D. will not be looked upon as opening the door to any withdrawal from the level of liberalisation already achieved but that, on the contrary, the Governments of the prospective Members of the O.E.C.D. have the intention of pursuing their efforts to develop trade in accordance with their international obligations.

In accordance with the mandate given to them by the Ministerial Meeting in July, the Preparatory Committee have examined the trade Acts of O.E.E.C. These are listed in Annex 1.

Having in mind the considerations below, the Preparatory Committee are not recommending the retention of these Acts in O.E.C.D.

70. It is recommended by the Preparatory Committee that the content of the Acts identified by an asterisk should be examined in the O.E.C.D. upon its inception, with a view to determining to what extent and in what form the content of these Acts should be taken into account in the O.E.C.D. for the effective achievement of the agreed trade objectives. It is also recommended that the O.E.C.D. should, *inter alia*, look to the work done by the O.E.E.C. on the subject matters in question, including in particular those dealing with balance of payments difficulties, to the extent that this work is relevant to and consistent with its functions,

in order to benefit for its own assessments from the experience previously gained ; it should be guided by the common spirit of co-operation achieved in O.E.E.C. which proved so useful when difficulties arose in the past and which will equally characterise the reconstituted Organisation.

71. With regard to the problem of Member countries who are not contracting parties to the General Agreement on Tariffs and Trade, the Preparatory Committee note that Iceland is the only country which is not a contracting party and which has not applied to be a contracting party of the G.A.T.T. In the case of this country the Trade Committee should work out a suitable solution.

*Chapter 3***THE EUROPEAN MONETARY AGREEMENT AND THE
RELATED ACTS OF O.E.E.C.**

72. The conclusions and recommendations in this chapter are based on those of the Board of Management of the European Monetary Agreement.

73. It is agreed that the European Monetary Agreement and the related Acts of the O.E.E.C. should be continued after the reconstitution of the O.E.E.C. The continuation of the E.M.A. does not require the approval of the O.E.C.D. Council, since the E.M.A. is a multilateral Agreement subject to ratification by each of its Signatories and, as such, is not an " Act of the Organisation ".

A. AMENDMENTS TO THE EUROPEAN MONETARY AGREEMENT

74. The continued satisfactory operation of the E.M.A. after the reconstitution of the O.E.E.C. will not be hampered by its existing provisions. It will, however, be necessary to bring the drafting of certain Articles of the E.M.A. and of its Preamble into line with the final text of the O.E.C.D. Convention and of the Decisions on the structure of the O.E.C.D.

The Preparatory Committee recommend that the Board of Management of the E.M.A. should be instructed to submit, before 30th September, 1961, the amendments to the E.M.A. needed as a result of the reconstitution of the O.E.E.C., together with any amendments which the Board may propose in the light of its comprehensive review of the operation of the E.M.A. (provided for in Article 32 of the E.M.A. and paragraph 29 c) of the Directives for the Application of the E.M.A.). Such amendments will take the form of a Decision of the Council insofar as they relate to parts of the E.M.A. referred to in its Article 26 ; otherwise, they will take the form of a Supplementary Protocol to the E.M.A. The amendments relating to the reconstitution of the O.E.E.C. should be given effect on the date of the coming into force of the O.E.C.D. Convention.

75. The Preparatory Committee recommend that the Supplementary Protocol to the E.M.A. referred to in the preceding paragraph,

should provide that those Contracting Parties to the E.M.A. which have not yet ratified or accepted the O.E.C.D. Convention when it comes into force may take part in decisions of the O.E.C.D. Council required for the execution of the E.M.A. The purpose of this is to avoid a situation in which, the O.E.E.C. Convention having ceased to apply, "decisions of the Council", within the meaning of Article 18 of the E.M.A., could be taken only by those Contracting Parties which had ratified the O.E.C.D. Convention, under its Articles 14(3) *b*) or *c*).

76. The important links, established under the E.M.A. and the related Acts, between the application of the E.M.A. and the trade policy of Member countries, are taken into account in the Committee's recommendations concerning the tasks of the Trade Committee of the O.E.C.D. (see Chapter 2 paragraph 65 of this part of the Report).

77. Certain Delegations have proposed that, on the occasion of the reconstitution of the O.E.E.C. as the O.E.C.D., the two-year limit for the credits granted by the European Fund should be extended. The Board of Management of the E.M.A. considers that, in view of the importance of this question and the implications for the operation of the E.M.A., it requires examination in the wider context of the review of the E.M.A. as a whole, to be carried out before 30th September, 1961.

The Preparatory Committee recommend that the Board of Management of the E.M.A. should be instructed to examine all the provisions of the E.M.A. relating to the granting of credits by the European Fund in the course of the Board's comprehensive review of the E.M.A., and to submit appropriate proposals to the Council before 30th September, 1961. The Committee note that it is the Board's intention to hear representatives of the Delegations which have proposed an extension of the two-year period for the Fund's credits, in order to obtain full information concerning their views on this problem.

B. APPROVAL OF THE ACTS OF THE O.E.E.C. RELATING TO THE E.M.A.

78. Three categories of these Acts do not require approval by the Council of the O.E.C.D. : *(i)* those which have fulfilled their purpose ; *(ii)* those which amend the E.M.A. or the Directives for the Application of the E.M.A. (these amendments having become an integral part of the E.M.A. or of the Directives) ; and *(iii)* the Decisions of the Board of Management of the E.M.A. (Decision No. 2 of the Board of Management laying down its Rules of Procedure was adopted by virtue of Article 19*(i)* of the E.M.A. and, for that reason, will remain in force after the O.E.E.C. Convention ceases to apply. The powers under which the other Decisions of the Board were adopted, were delegated to the Board by the O.E.E.C. Council in Acts which are recommended below for approval by the O.E.C.D. Council. This approval will imply that the Decisions of the Board based on the Acts thus approved remain effective).

79. The Preparatory Committee recommend that the Acts of the O.E.E.C. set out in Annex II should be approved by the Council of the O.E.C.D. Some amendments to these Acts, of a purely formal nature, will be required as a result of the reconstitution of the O.E.E.C. ; thus, references to the O.E.E.C. or to those of its organs which are not continued or which are given a new title should be deleted or amended. Such amendments should be considered after the Ministerial Meeting has decided on the subsidiary organs of the O.E.C.D.

*Chapter 4***CURRENT INVISIBLE OPERATIONS
AND CAPITAL MOVEMENTS**

80. The Preparatory Committee have noted that a large measure of agreement has been reached on this subject and that substantial progress has been made in the adaptation and revision of the provisions of the Code of Liberalisation dealing with current invisibles and of the Capital Movements Code. It is agreed in principle to extend the benefits of liberalisation to all members of the International Monetary Fund on a non-discriminatory basis.

THE TWO CODES OF LIBERALISATION

81. The Preparatory Committee agreed that Note 1 to the List of liberalised items which deals with Members' obligations in connection with maritime transport would be retained unchanged in the revised Current Invisibles Code. The general statement on shipping policy in the second part of the Note will not apply to the United States because it is to some extent in conflict with existing United States legislation, and the United States position will be indicated by a remark following the Note. The position of Turkey concerning Note 1 remains unchanged.¹

82. The Canadian and United States authorities have not yet completed their review of the draft Codes and will probably not be able to formulate their position in time for the Ministerial Meeting. In these circumstances it has not been possible to submit new Codes, since these are in particular subject to agreement on the drafting of a clause of special derogation (on the principle of which agreement has been reached) on the question whether the provisions regarding films should be retained fully or only in part in the Current Invisibles Code, and on the retention in the Capital Movements Code of a hortatory provision to safeguard existing liberalisation.

83. As they are thus unable to put forward drafts of the revised Codes the Preparatory Committee recommend :

1. Cf. C/M(57)10 item 79.

a) the extension of their mandate to adapt and revise the provisions of the Code of Liberalisation dealing with current invisibles, and the Capital Movements Code in order to :

- i) take account of the new conditions prevailing after the O.E.C.D. is established ;
 - ii) extend the benefits of liberalisation to all members of the International Monetary Fund on a non-discriminatory basis ; and
 - iii) enable all Members of the O.E.C.D. to adhere to them ;
- b) that, in order to ensure continuity pending approval of the revised Codes by the Council of the O.E.C.D., the following Acts should be continued provisionally among Members of the O.E.E.C. :
- Code of Liberalisation, Parts II, III, V, VI, VII ; Annexes B and C. Edition of the Code of Liberalisation brought up to date on 1st July, 1960.
 - Code of Liberalisation of Capital Movements. Edition of the Code of Liberalisation of Capital Movements and amendments thereto brought up to date in June, 1960.
 - Decision of the Council of 14th October, 1960, amending the Code of Liberalisation of Capital Movements. [C(60)194(Final)] ;
 - Section VI of Recommendation of the Council on Trade and Payments of 2nd February, 1960, [C(60)35] amended as follows :
 “ The benefits of liberalisation of current invisible transactions and capital movements deriving from the Code of Liberalisation and from the Code of Liberalisation of Capital Movements should be extended on a non-discriminatory basis to all members of the International Monetary Fund. ”

OTHER ACTS

84. The Preparatory Committee recommend furthermore that the following Acts of the O.E.E.C. should be continued unchanged. It would be understood that amendments of form necessitated as a result of the coming into force of the O.E.C.D. Convention and the Memorandum of Understanding on the Application of Article 15 of the Convention, as well as the revision of the institutional structure, would be made by the Secretariat as editing adaptations.

Acts dealing with the Special Position of Greece, Iceland, Spain and Turkey

- Resolution of the Council of 30th July, 1957 concerning the invocation by Iceland of Article 20 a) of the Code of Liberalisation (C/M(57)25 item 246 a).
- Decision of the Council of 17th June, 1960 concerning the Application to Spain of Part II of the Code of Liberalisation, (Invocation of Article 20 a) of that Code). [C(60)95(Final)].

- Decision of the Council of 4th December, 1959 concerning the Application to Greece, Iceland, Spain and Turkey of the Provisions of the Code of Liberalisation of Capital Movements. [C(59)79(Final)].

Mandates of the Committee for Invisible Transactions concerning Further Liberalisation

- Resolution of the Council instructing the Committee for Invisible Transactions to study the possibility of removing, in the field of road transport, restrictions on international carriage and domestic carriage connected with international carriage. [19th October, 1956 ; C/M(56)37 item 328 d), and 30th July, 1958 ; C/M(58)25, Part I, item 236].
- Resolution of the Council instructing the Committee for Invisible Transactions to continue studies in the insurance field, especially with regard to :
 - i) validation agreements in connection with social security and social insurance ;
 - ii) liberalisation of insurance falling under the item Chapter III, A/3, All other insurance ;
 - iii) the establishment of a common international standard of solvency for insurers ;
 - iv) the establishment of an international bureau to act as clearing house for information or to issue internationally acceptable certificates of solvency.

[7th February, 1958 ; C/M(58)4, item 34 g)].

85. The Preparatory Committee recommend finally that the following Act should be continued subject to the amendments indicated below :

Act dealing with the Special Position of Greece

- Decision of the Council of 21st May, 1954, repealing Article 3 d) and 20 d) of the Code of Liberalisation [C(54)110(Final)].
 - a) Paragraph 1 of the Decision repealed paragraph d) of Article 3 and paragraph d) of Article 20 of the Code as they were when the Decision was adopted. The paragraph is thus redundant and should be deleted.
 - b) Reference in paragraph 2 to Article 2 of the Code should be deleted consequential to the discontinuation of its Part I, and the reference to Articles 13 and 19 should be adapted to the substitution of the new Code of Liberalisation of Current Invisible Operations for the old Code of Liberalisation.
 - c) The reference to the Steering Board for Trade in paragraph 3 should be amended in the light of the revision of the institutional structure resulting from the passage from the O.E.E.C. to the O.E.C.D.

86. The Preparatory Committee draw attention to the fact, moreover, that if the Council decides in due course upon the renewal in its present or in an amended form of the *Act dealing with the Special Position of Turkey*:

- Resolution of the Council of 17th June, 1960, concerning the suspension until 31st December, 1960, of the notification and examination procedure arising out of the invocation by Turkey of Article 20 a) of the Code of Liberalisation [C/M(60)14, item 113 B d)],

which will expire in December 1960, the same procedure will have to apply in respect of its retention in the O.E.C.D. as that applying to all Acts of the O.E.E.C. which are adopted between 1st October, 1960, and the date on which the O.E.C.D. Convention enters into force.

87. It was agreed that the question of a multilateral Convention for the protection of foreign investments should continue to be studied by the O.E.C.D.

*Chapter 5***AGRICULTURE, FISHERIES AND FOOD**

88. In Part I of this Report, the Preparatory Committee agreed that activities of the Organisation in the Agriculture, Fisheries and Food sector should be strengthened and closely integrated with the Organisation's other activities in pursuit of the objectives of the Convention. For this purpose it will be desirable to have close links between the agricultural body or bodies and the Committees which will be responsible for economic policies, trade questions, and aid to countries in the process of economic development, while at the same time maintaining the necessary unity of work in the sector of Agriculture, Fisheries and Food.

89. As a result of the review of the Acts in this sector, the Committee recommend that the following activities should continue to feature in the programme of work to be carried out by the agricultural body or bodies of the Organisation, without, however, excluding the possibility that other activities might be added at a later stage in the light of directives resulting from new requirements :

- a) confrontation and consultations on agricultural, tooa and fishery policies under their different aspects with a view to promoting the harmonious development of these policies among Member countries in accordance with the objectives of the Organisation and the undertakings entered into under the Convention ;
- b) examination of the overall situation of agriculture and fisheries in Member countries and of the prospects including examination of the trend of supply and demand ;
- c) study of the possibilities for improving the marketing and distribution of agricultural, fishery and food products with a view to determining measures which could be adopted nationally and internationally ; similar studies in the field of means of production ;
- d) surveys of the market situation for the main agricultural and fisheries products and formulation, in co-operation where necessary with the Trade Committee, of proposals for remedial measures in the event of market difficulties ;
- e) examination in liaison and co-operation with the Trade Committee of trade problems directly connected with agricultural

- and fishery policies and falling within the mandate of the Organisation in trade matters as described in this Report ;
- f) assistance in the agricultural field to the economic, trade and technical activities of other bodies of the Organisation in implementing the aims of the Organisation concerning countries, or in special cases, areas in process of economic development ;
 - g) practical work designed to promote a better use of production factors and to promote technical progress in the sectors of agriculture and fisheries including marketing and distribution. The nature and extent of such activities and the way in which they will be performed will be decided later. Insofar as they have budgetary implications appropriate rules will be drawn up in accordance with the principles agreed in Part I, paragraph 39.

90. The Committee examined the Acts and the Reports on Agricultural Policies in Europe and North America, the latest programme of work of the agricultural bodies as well as the confrontation and consultation procedures developed in the O.E.E.C. While they do not consider it necessary to retain these Acts as such, the Preparatory Committee consider that this work, taken as a whole, has been very useful and recommend that the principles and methods which are included in these Acts, to the extent that they are relevant to the objectives and structure of the Organisation, should serve to guide the future work of the O.E.C.D. The trade aspects of these acts should be examined by the Organisation with a view to determining to what extent and in what form this experience might be utilised by the O.E.C.D.

91. With regard to the two following Acts ; Resolution of the Ministerial Committee for Agriculture and Food relating to the continuance of work in the dairy products sector [CMA(58)13] and the emergency procedure established by the Committee of Deputies in conformity with that Resolution [CSA(58)39] the Committee consider that these Acts should not be retained but recommend that the procedure as set forth in these Acts ensuring speedy consideration of the situation in the dairy market in the event of a threatened crisis should be retained among European Members, without prejudice to the full participation of the United States and Canada in the discussions.

92. The Committee recommend the retention of the following Act :

- Resolution of the Council relating to the policies of Member countries in fishery matters [C(60)178].

Furthermore, they recommend the retention of the following specific Acts which, although they are of limited scope, have a certain technical value :

- Decision of the Council concerning the establishment of an O.E.E.C. scheme for the varietal certification of herbage seed moving in international trade [C(58)106(Final)] ;
- Decision of the Council concerning the establishment of an

O.E.E.C. Standard Code for the official testing of agricultural tractors [C(59)76(Final)] ;

- Resolution of the Committee of Deputies on farm price indices [CSA(57)10(Final)] ; Resolution of the Ministerial Committee for Agriculture and Food concerning the improvement of short-term forecasting methods for pig production [CMA(58)12(Final)] ;
- Resolution of the Ministerial Committee for Agriculture and Food on Agricultural manpower statistics [CMA(57)8(Final)].

Chapter 6

SCIENCE AND TECHNOLOGY

93. The Preparatory Committee recommend the retention of the following Acts :
- a) *Recommendation C(56)62(Final)* on international co-operation in the field of applied research.
 - b) *Recommendation C(58)143* on the national Organisations responsible for questions of scientific and technical personnel.
94. While not recommending the retention of *Recommendation C(58)142*, the Preparatory Committee think that Member countries of the Organisation should use the general census to collect information about scientific and technical personnel, as indicated in that Recommendation with regard to the censuses planned for 1960.

Chapter 7

NUCLEAR ENERGY

95. The Preparatory Committee recommend the retention of *Decision C(57)255* establishing the European Nuclear Energy Agency with the following amendment :

“ Article 21

The provisions of Supplementary Protocol No. 1 to the Convention on the Organisation for Economic Co-operation and Development shall apply to the representation of the European Atomic Energy Community (EURATOM) in the Agency and in its Steering Committee as well as to the participation of the Commission of the said Community in the work of the Agency and of its Steering Committee.”

The adoption of this Decision by the Council of the Organisation with the approval of Canada and the United States will not have the effect of modifying the present status of these two countries as Associate Members of the Agency.

96. The Preparatory Committee further recommend the retention of the following Acts :

- a) *Decision C(59)109(Final)* on the adoption of radiation protection norms.
- b) *Resolution C(60)20(Final)* nominating the members of the Tribunal set up by the Convention on the establishment of Security Control in the field of nuclear energy.
- c) *Council Decision C/M(60)20* approving the draft agreement between the O.E.E.C. and the International Atomic Energy Agency set out in the Annex to Report C(60)141.

97. The three Acts specified above may not apply to the United States, the question of their application to the United States still being under consideration by the United States authorities. They will not apply to Canada.

Chapter 8

ENERGY

GENERAL DECISION

98. The Preparatory Committee recommend the retention of *Recommendation C(59)172* concerning measures to be taken in the field of energy and establishing an Energy Advisory Commission and an Energy Committee. The Preparatory Committee recommend that any provision of this Act relating to structure should be amended in accordance with future decisions concerning structure.

99. Although the Act in its present form will not apply to Canada and the United States, they will take part as appropriate in the energy activities of the Organisation.

OIL

100. The Preparatory Committee do not think it necessary to retain *Decision C(53)196(Final)* amended by Decision C(54)92(Final) on the procedure to be applied in respect of co-ordination in the oil industry; this Decision is no longer appropriate to the current facts. The Committee nevertheless recommend that Member countries of the Organisation should furnish appropriate information about their refinery projects to the competent body of the Organisation which will submit comments to the Council where necessary.

101. The Preparatory Committee recommend the retention of the *recommendations in the Report C(58)137* on oil stocks and storage capacity (approved in C/M(58)21 item 195). These recommendations will not apply to Canada and the United States who as producing countries are in a different situation from almost all the O.E.E.C. Member countries.

102. The Committee also recommend the retention of *Recommendation C(60)83(Final)* concerning the apportionment of oil supplies in an emergency and the *conclusions of the Report C(60)153* on the method of apportionment (approved in C/M(60)20, item 177). These Acts will not apply to Canada and the United States in view of the special position of these two countries in the matter of oil supplies. These two coun-

tries are nevertheless ready to continue to co-operate with other Member countries if they have to face a supply crisis.

103. The Preparatory Committee recommend the maintenance of an Oil Committee to be responsible, *inter alia*, for implementing the above recommendations.

ELECTRICITY

104. The Preparatory Committee recommend the retention of *Decision C(56)183* relating to occasional and seasonal supplies of electric power between inter-connected countries, amended by *Decision C(59)125(Final)*. These Acts will not apply to Canada and the United States.

105. The Preparatory Committee agreed not to retain *Recommendation C(56)119(Final)* relating to the generation of electricity in back-pressure plant, but thought it might be useful for a similar Recommendation to be adopted by the Organisation.

COAL

106. The Preparatory Committee do not think it necessary to retain *Resolution C(51)152(Final)* on the distribution of solid fuels creating the Supply and Distribution Sub-Committee of the Coal Committee. They consider that the Organisation is competent to organise distribution of solid fuels as necessary, and in the light of the international obligations of its Members, between European Member countries in the event of a critical shortage of supplies.

Chapter 9

INDUSTRY

GENERAL DECISION ON INVESTMENTS

107. The Preparatory Committee do not think it necessary to retain *Decision C(49)123(Final)* relating to the co-ordination of investments or *Decision CE(49)76(Final)* relating to the directives for the Iron and Steel Committee.

108. These two Decisions made it possible to establish, within the O.E.E.C., an exchange of information in certain sectors (petroleum chemicals, nitrogen and cement) and, in addition, to proceed to a confrontation of investment projects in the iron and steel and oil industries.

109. The Preparatory Committee think that a regular exchange of information and a joint discussion of investment projects should be carried out within the Organisation. They therefore recommend that the Council of the Organisation should take steps to pursue these activities in the iron and steel industry and in such other industrial and energy sectors as prove necessary.

MACHINERY

110. The Preparatory Committee recommend the retention of *Recommendation C(52)137* amended by *Resolution C(55)139(Final)* concerning the production of heavy equipment for electric power stations.

111. These Acts will apply to Canada subject to a reservation with respect to provisions calling upon Governments to make recommendations to public utility enterprises.

LEAD AND ZINC

112. The Preparatory Committee do not think it necessary to retain *Recommendation C(58)49(Final)* relating to the output of lead and zinc mines. They note that since the adoption of this Recommendation, the persistent disequilibrium of the world market has led the United Nations to set up a Lead and Zinc Study Group. This Group is concerned with appropriate measures to restore sound equilibrium between supply and

demand. The Preparatory Committee think it desirable that Member countries of the Organisation should discuss their points of view in this field and should do everything possible to encourage international trade in these metals.

TEXTILE INDUSTRY

113. The Preparatory Committee do not think it necessary to retain *Resolution C(58)82(Final)* relating to the Report on the future of the European cotton industry which has been noted by the Member countries and quite widely followed. The Committee nevertheless think that the situation of the textile industry should receive the attention of the Organisation, should any particular problem arise.

MARITIME TRANSPORT

114. The Preparatory Committee recommend the retention of *Recommendation C(59)198(Final)* on the application of the principle of freedom of maritime transport in the case of financial aid agreements. This Act may not apply to Canada. This Act will not apply to the United States.

Chapter 10

MANPOWER

115. The Preparatory Committee recommend the retention of the nine Acts listed below, which relate to the liberalisation of manpower movements. These Acts will not apply to Turkey. These Acts, with the exception of Recommendation C(59)273(Final), will not apply to the United States. They may not apply to Canada, whose position will be reviewed in connection with the consolidation of Acts mentioned in paragraph 116 below.

- a) *Decision C(56)258* governing the employment of nationals of Member countries. This Act will not apply to Portugal.
- b) *Recommendation C(55)295(Final)* on regulations and administrative practices governing the entry and employment of nationals of Member countries.
- c) *Resolution C(57)37(Final)* on the abolition of entry visas for nationals of Member countries travelling to their place of work.
- d) *Recommendation C(57)79* and *C(59)273(Final)* concerning the abolition of restrictions on employment of certain categories of nationals of Member countries. The second of these Acts will not apply to Portugal and Greece.
- e) *Recommendation C(58)196(Final)* on the regulations and administrative practices governing the movement and employment of refugees.
- f) *Recommendation C(59)272(Final)* on the regulations and administrative practices governing the entry and employment of the families of workers who are nationals of Member countries.
- g) *Recommendation C(60)65(Final)* on the regulations and administrative practices governing the movements and employment of refugees.
- h) *Recommendation C(60)113(Final)* on the international clearing system for vacancies and applications for employment. This Act will not apply to Ireland.

116. The Preparatory Committee recommend that the above Acts other than that mentioned under a) above should be consolidated in a single Act.

117. The Preparatory Committee also recommend the retention of the eight Acts listed below. The Acts listed under *a*) to *e*) will not apply to the United States. The Act listed under *c*) will not apply to Canada. The Acts listed under *a*) will apply to Canada subject to a reservation with respect to those parts of C(54)66(Final) relating to the international classification of occupations and of C(58)197(Final) relating to a central agency for the collection and collation of employment market information. The Acts listed under *b*), *d*) and *e*) will apply to Canada subject to limitations of Federal jurisdiction with respect to those parts of the Acts calling for implementation of provisions concerning the improvement and extension of existing facilities in the field of vocational training.

- a*) Recommendation C(54)99(Final) and C(58)197(Final) on the standards of organisation for employment services.
- b*) Recommendation C(59)124(Final) on the extension and improvement of vocational training facilities for young workers.
- c*) Recommendation C(59)169 on the implementation of provisions for mutual help in the training of young workers.
- d*) Recommendation C(59)170 on the organisation of vocational guidance services.
- e*) Recommendation C(59)171 on measures that might be taken to facilitate the recruitment of young workers in certain trades.
- f*) Recommendation C(56)59(Final) on manpower statistics.
- g*) Recommendation C(52)227(Final) on sample surveys into the manpower situation.

Chapter 11

TOURISM

118. The Preparatory Committee recommend the retention of the Acts listed below with the qualifications indicated :

- a) *Recommendation C(55)149(Final)* on visa and passport facilities. This Act will apply only in part to Canada and the United States, since they have entered a general reservation.
- b) *Recommendation C(56)131(Final)* on the simplification of identity control at frontiers. This Act will not apply to Canada and the United States.
- c) *Decision C(57)56(Final)* on the establishment of a uniform identity card for Member countries. This Act will not apply to Canada and the United States.
- d) *Decision C(57)104(Final)* on the international circulation of hired private road motor vehicles. This Act will not apply to the United States.
- e) *Recommendation C(58)42(Final)* on the temporary import of private cars into Member countries. This Act will not apply to Canada.
- f) *Decision C(58)36* on Customs facilities for tourists and *Decision C(58)37* on Customs facilities for certain categories of tourists. These Acts will apply to Canada subject to a reservation with respect to those provisions of the Acts relating to wines, spirits and tobacco. These Acts will not apply to the United States.
- g) *Decision C(58)14(Final)* on the import of tourist publicity documents and material. This Act will not apply to Canada and to the United States.
- h) *Recommendation C(58)219(Final)* relating to certain Customs facilities for tourists resident in one Member country returning home after foreign travel. This Act will apply to Canada subject to reservations with respect to those provisions of the Act relating to wines, spirits and tobacco and to limitations on customs exemptions. This Act will apply to the United States subject to a reservation with respect to any provisions of which

the application would not be in conformity with United States regulations on trade marks.

- i) *Recommendation C(53)257(Final)* on the pollution of coastal waters. This Act will not apply to Canada and the United States.
- j) *Decision C(60)118(Final)* on the continuance in 1961 of the joint publicity campaign in the United States for the development of United States tourism in Europe. This Act will not apply to Canada and the United States.

119. The Preparatory Committee recommend for practical reasons the retention until 31st December, 1961, of the programmes at present financed by the Joint Publicity Fund for the expansion of United States tourism in Europe during the off-season. Certain expenditure has in fact already been incurred and certain obligations entered into under Decision C(60)118(Final). The Committee, however, do not think it necessary to retain *Decision C(49)205(Final)* establishing this fund. The Preparatory Committee recognise that the Fund has played a valuable part in the development of United States tourism in Europe during the last ten years and that this question remains important. The Committee nevertheless think that the Fund's one-way activities make it difficult to maintain it in its present form within the framework of the Organisation. It would therefore be necessary for the Council of the Organisation to reconsider the question, bearing in mind the interest taken by Canada and the United States in developing tourism in their countries.

120. The Preparatory Committee do not think it necessary to retain *Recommendation C(55)148* relating to the establishment of holiday savings funds in the Member countries but consider that this question deserves reconsideration in the Organisation.

Chapter 12

FISCAL QUESTIONS

121. The Preparatory Committee recommend that *Recommendation C(59)147(Final)* on the suppression of double taxation and *Recommendation C(60)157(Final)*, which supplements it, should be retained. This Act may not apply to Canada.

Chapter 13

ADMINISTRATIVE AND FINANCIAL ACTS

122. These Acts ¹ mainly concern four major topics : the Staff Regulations, the Financial Regulations, the audit of accounts and the contributions of Member countries. The Preparatory Committee will consider these Acts after the signature of the Convention, on the basis of proposals to be submitted by the Secretary-General.

123. The Preparatory Committee have exchanged views on the question of majority voting on Acts dealing with administrative and financial questions, and will consider this further following signature of the Convention. They have noted that a procedure for a majority voting already exists for the adoption of operational projects within budgets previously approved by the Council.

124. The Preparatory Committee have also agreed that the method of calculating contributions should be determined in the light of the accession of the new Members.

125. The question of the official languages of the Organisation has been raised and the Preparatory Committee have agreed to consider it after the Convention is signed.

1. Cf. List in Annex 4 to OECD(60)5, Part III.

PART III

RELATIONS WITH PARLIAMENTARIANS,
NON-MEMBER COUNTRIES
AND OTHER ORGANISATIONS ¹

RELATIONS WITH PARLIAMENTARIANS

126. Following the directives of the Ministerial Meeting of 22nd-23rd July 1960, the Preparatory Committee have further considered Recommendation 245 of the Consultative Assembly of the Council of Europe² and the comments on this Resolution made to the Meeting by the Delegation from the Council of Europe. While most Delegations thought it desirable to establish close links between the O.E.C.D. and Parliamentarians from all Member countries, it was not possible to explore the matter thoroughly at this stage. The Committee concluded that they might study the matter further after signature of the Convention; it will, of course, be for the O.E.C.D. Council to take such action as it thinks fit.

RELATIONS WITH NON-MEMBER COUNTRIES

127. The Committee have noted the statements of the Yugoslav Representative asking that the existing arrangements should be retained and proposing that consideration should be given to replacing them by a wider general agreement. The Committee consider that relations with Yugoslavia should be maintained and agree that the question of adapting them should be reviewed by the Preparatory Committee after the Convention has been signed so that the Organisation can take the necessary decisions.

128. The Committee recommend the retention of Resolution C(59)290(Final) on the participation of Finland in the work of the Maritime Transport Committee. The Committee agree that it should remain open for Finland to continue to be associated with other activities of the Organisation.

1. Cf. List of relevant Acts contained in Annex 4 to OECD(60)5, Part I, with the exception of Section C (Structure and Organisation).

RELATIONS WITH OTHER ORGANISATIONS

129. After considering the Acts concerning relations between the O.E.E.C. and other international Organisations, the Preparatory Committee agree in general that relations should be maintained with the other international Organisations with which O.E.E.C. has relations. The Preparatory Committee also agree that the relations established by the European Nuclear Energy Agency with other Organisations should be maintained. The Preparatory Committee will review all relevant Acts after signature of the Convention with a view to making appropriate recommendations.

130. With regard to relations with the European Communities, Supplementary Protocol No. 1 to the new Convention ensures that these Communities will be represented within the O.E.C.D., and the existing arrangements made with them will therefore require review. Action will also be taken to follow up the Ministerial Resolution of 23rd July deciding that the Secretary-General of the European Free Trade Association should take part in the work of the O.E.C.D.

131. After considering a note setting out the views of the European Conference of Ministers of Transport, the Preparatory Committee agree to the retention in their existing form of the relations established with the European Conference of Ministers of Transport, subject to formal modifications.

132. The Preparatory Committee have heard the views of the Joint Trade Union Advisory Committee to the O.E.E.C., including their proposal to establish an Advisory Council representing Labour and Management. The Preparatory Committee recognise the need to maintain and develop consultations with representatives of Labour and Management. The Preparatory Committee intend to make specific proposals to this end after the signature of the Convention.

PART IV

COMMENTS ON THE CONVENTION
AND SUPPLEMENTARY INSTRUMENTS

133. The comments, agreed interpretations and declarations made in respect of the Convention and the Supplementary Instruments are set out below.

Article 2

134. The following interpretations relating to this paragraph have been agreed upon :

i) The reference to international obligations in Article 1 c) extends to the whole of Article 2 d), including the reference to current payments and capital movements. It follows that the geographical scope of the principle of non-discrimination and the derogations which it carries with it are those resulting from commitments introduced by the international conventions applying in the various fields referred to in Article 2 d).

ii) The term "services" covers current invisible transactions and transfers.

Article 6

135. The wording of Article 6, which admits exceptions to the principle of mutual agreement of all the Members in special cases, allows decisions to be taken by majority vote wherever the Organisation unanimously decides that, in a specific field or on a specific matter, decisions or recommendations shall be taken by majority vote.

Article 7

136. The wording of Article 7 leaves it open to the Council to meet either at Ministerial level or at the level of Permanent Representatives without excluding the possibility, as in the past, of a country being represented as it deems fit at either type of meeting.

Article 9

137. The Committee agreed that the question of participation in discussions of the Executive Committee, if one is established as a restrict-

ed body, or of any other restricted body of the Organisation, by countries not represented, or not having nationals, on these bodies, shall be dealt with in the Rules of Procedure, taking into account the international agreements which may be applicable.

138. The chairmanship of the Executive Committee, if one is established, will depend on its functions and composition. A decision will be taken on this matter at the appropriate time ; certain Delegations have already indicated that, as a matter of principle, they might have to insist on a formula according to which the chairmanship of the Committee could only be held by the Representative of a Member country or by the Secretary-General himself.

Article 10

139. The second sentence in paragraph 1 of Article 10 permits the Secretary-General to be assisted by a single Deputy Secretary-General, by a single Assistant Secretary-General, or by one or more of both.

Article 11

140. The Committee agreed that the Staff Regulations should provide that, in recruiting staff, the Secretary-General, while bearing in mind the need to call on the services of the most highly qualified persons, should so far as possible ensure a fair distribution of posts among nationals of Member countries of the Organisation.

141. The Committee agreed that the Staff Regulations should provide that, in principle, established members of the staff may not receive any remuneration from any Government or other source external to the Organisation without permission of the Secretary-General and that the latter shall keep the Council informed of the cases or categories of cases in respect of which an exception has proved necessary and the grounds for such exception.

Article 14

142. The words " may take part " in paragraph 4 give Signatories the right to take part in the work of the Organisation without obliging them to do so. The agreements to be concluded under this paragraph could, however, make such participation subject to a time-limit in order to avoid undue delay in ratification. These agreements should, in principle, include as a condition of participation in the work of the O.E.C.D. of Signatories which have not ratified that :

- i) such Signatories shall apply provisionally the Acts of the O.E.E.C. which the Council has voted for approval ;
- ii) these Signatories shall be deemed to have acceded to the other decisions and recommendations of the O.E.C.D. by the deposit of their instruments of ratification or acceptance, unless within

ten days thereafter they give notice of their intention to abstain.

143. The Committee noted that a Signatory which had not yet ratified could vote on decisions of the O.E.C.D. only in cases where its constitution allowed it to do so. In such cases, voting could be provided for in the agreements to be concluded under paragraph 4, limiting it, where appropriate, to certain matters. To the extent that the country concerned is accorded the right to vote, the condition in paragraph 142 *ii*) would then be unnecessary. The Committee noted, however, that if such countries had the right to vote they might be less inclined to ratify the Convention quickly.

Article 15 and Memorandum of Understanding on the Application of Article 15

144. The Ministerial Resolution instructed the Preparatory Committee "to draft the instrument relating to Article 15" of the Convention by which the Governments would bind themselves to approve the decisions, recommendations and resolutions of the O.E.E.C. the retention of which has been recommended by the Preparatory Committee. In drafting this instrument, for which the Preparatory Committee propose the form of a Memorandum of Understanding, the Committee have followed the lines of the document approved at the Ministerial Meeting (Addendum 1 to OECD(60)5-1st Revision).

145. The reference to the recommendations of the Preparatory Committee which appears in paragraph 1 of the Memorandum of Understanding makes it possible to avoid attaching to the Memorandum Annexes setting out all the Acts which it is proposed to confirm. This formula also makes it possible to cover recommendations which may be made by the Preparatory Committee after the signature of the Memorandum of Understanding. If the Ministerial Meeting supplements or modifies any recommendation of the Preparatory Committee it will be enough to bring such supplements or modifications within the scope of paragraph 1 if they are formally embodied in a recommendation of the Preparatory Committee. The Memorandum of Understanding refers solely to the recommendations of the Preparatory Committee relating to the retention or amendment of the Acts of the O.E.E.C.

146. Some delegations indicated that they interpreted the document approved at the Ministerial Meeting in July 1960 and, consequently, the Memorandum of Understanding, as meaning that, in the event of a Signatory requesting the reconsideration of a recommendation which had been the subject of a notification, this request would entail a derogation from the undertaking provided for in paragraph 1 of the Memorandum of Understanding if the re-examination did not result in a new recommendation. Other delegations could not agree to this interpretation. In these circumstances, the Preparatory Committee agreed to

leave this question open since there was little likelihood that it would arise in practice.

147. It follows from paragraph 5 of the Memorandum of Understanding that in the case of countries which have not ratified the new Convention at the time it comes into force, the commitment provided for in paragraph 1 of the Memorandum of Understanding will take effect as from the deposit of their instrument of ratification or acceptance of the Convention and they will then have to accede to the Acts confirmed by the Council in accordance with the recommendations of the Preparatory Committee, except in so far as the procedure in paragraph 2 and the following paragraph has been applied.

Article 16

148. The wording of Article 16, which governs the accession of new Members, makes it clear that derogations from the principle of unanimity in this field must be decided upon case by case.

Article 19

149. The question of introducing an assessment on the salary and emoluments of O.E.C.D. staff has been raised in the Preparatory Committee. It was agreed that the question should be studied further by the Committee.

Article 20

150. The wording of paragraph 2 distinguishes between "general expenses" and "other expenditure" financed on a special basis, leaving the definition of criteria for this distinction to the Financial Regulations. The methods of financing "other expenditure" should also be determined by the Financial Regulations.

Supplementary Protocol No. 2

151. The question of privileges and immunities which might be accorded to the representatives of the Commissions of the European Economic Community and the European Atomic Energy Community, of the High Authority of the European Coal and Steel Community, and of the European Free Trade Association, which will participate in the work of the Organisation, has been raised in the Preparatory Committee. The Committee consider that this question will have to be settled by agreements or arrangements concluded for the purpose.

Protocol relating to the Revision of the Convention for European Economic Co-operation of 16th April, 1948

152. The Committee note that the constitution of certain countries did not allow them to terminate the 1948 Convention without the appro-

val of their Parliaments. They agreed that Governments which were bound to do so for constitutional reasons might sign the Protocol subject to ratification or acceptance. Only if these Governments had still not ratified or accepted the Protocol at the time when the new Convention came into force would they formally remain Parties to the 1948 Convention until the date of their ratification or acceptance.

Annex I

TRADE ACTS OF THE O.E.E.C. ¹
REFERRED TO IN CHAPTER 2 OF PART II

REFERENCE	TITLE
I. LIBERALISATION OF TRADE	
Code of Liberalisation ²	The Provisions of Section II of Part I and Parts III, IV, VI and VII and Annex A, so far as they relate to trade, and with the exception of Article 25 bis and Section II bis of Annex A (see VII. Suspension of measures of liberalisation).
C(55)56 - 4th March, 1955	Declaration of intention of Member countries concerning the aims of liberalisation.
C(56)77 - 23rd March, 1956	Resolution of the Council concerning the procedure for references submitted under the Code of Liberalisation.
C(56)223(Final) - 26th October, 1956 .	Recommendation of the Council concerning further progress in the liberalisation of trade and the relaxation of quantitative restrictions.
C(56)240 - 26th October, 1956	Decision of the Council concerning the extension of 90 per cent liberalisation and the tariff problem.
C(57)206(Final)	Decision of the Council amending Decision C(56)240 above.
C(58)157(Final)	Decision of the Council amending Decision C(56)240 above.
C(59)136(Final)	do.
C(57)57(Final) - 10th May, 1957	Resolution of the Council concerning progress in the liberalisation of trade and the relaxation of quantitative restrictions on imports.

1. For Acts marked with an asterisk, see Part II, Chapter 2, paragraph 70.

2. It is recalled that the undertakings of the Code relating to liberalisation of trade (Part I, Section I) have not been considered. Parts II and V and Annexes B and C relate solely to invisible transactions.

REFERENCE	TITLE
C(59)241 - 16th October, 1959.....	Resolution of the Council on new aspects of the Organisation's contribution towards freeing trade.
C(60)35 - 2nd February, 1960	Recommendation of the Council on Trade and Payments.
C/M(60)17(Final) Item 139 - 1st July, 1960.....	Entry in the Council Minutes after discussion on the extension of 90 per cent liberalisation obligations.
C(53)9(Final) - 7th February, 1953 ...	Decision of the Council concerning the Member States of the European Coal and Steel Community.

II. LIBERALISATION AND RELAXATION OF RESTRICTIONS ON IMPORTS VIS-A-VIS THE DOLLAR AREA

C(54)317 - 22nd December, 1954.....	Recommendation of the Council concerning the relaxation of quantitative restrictions on imports of goods (and restrictions on invisible transactions and transfers) relating to the dollar area.
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III. TRADE WITH THE OVERSEAS TERRITORIES OF MEMBER COUNTRIES

C(54)113 - 13th April, 1954	Recommendation of the Council concerning the expansion of trade between Member countries and Overseas Territories.
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IV. EXPORT AIDS

C(59)202 * - 17th July, 1959	Decision of the Council on export aids.
C(60)130 *	Decision of the Council amending Decision C(59)202 above.
C(60)145	do.
C/M(60)15 * item 121 B - 24th June, 1960	Entry in the Minutes relating to the application in the case of Austria of the amendment made to Decision C(59)202 by Decision C(60)130.
CMA(58)10(Final) * - 9th October, 1958	Resolution of the Ministerial Committee for Agriculture and Food concerning the notification procedure for aids to exports.

V. QUANTITATIVE RESTRICTIONS ON EXPORTS

C(55)297 * - 7th February, 1953 and 18th November, 1955.....	Decision of the Council concerning quantitative restrictions on the export of goods.
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REFERENCE	TITLE
C(57)17(Final) * - <i>1st March, 1957</i> ...	Recommendation of the Council concerning the elimination of quantitative restrictions on the export of lead and zinc scrap.
VI. ADMINISTRATIVE AND TECHNICAL REGULATIONS HAMPERING TRADE	
C(58)11(Final) * - <i>28th February, 1958</i>	Recommendation of the Council relating to administrative and technical regulations hampering the expansion of intra-European trade.
C(59)143(Final) * - <i>16th October, 1959</i>	Recommendation of the Council concerning technical regulations hampering the expansion of intra-European trade.
C(55)162(Final) * - <i>29th September, 1955</i>	Recommendation of the Council concerning the improvement of regulations applying to trade in replacement parts between Member countries.

VII. SUSPENSION OF MEASURES OF LIBERALISATION

A. Suspension of measures of liberalisation on the ground of balance-of-payments difficulties

Code of Liberalisation

Article 25 bis * Procedures.

Annex A - Section II bis * Guiding principles.

B. Ex-freed commodities

C(52)244 * - *13th August, 1952* Decision of the Council concerning the import regime for ex-freed commodities

VIII. TRADE IN THE FIELD OF NUCLEAR ENERGY

C(59)282(Final) * - *29th January, 1960* Decision of the Council concerning standstill measures in respect of intra-European trade in the field of nuclear energy.

IX. SPECIAL CASES OF CERTAIN COUNTRIES¹

A. Spain

C(59)192 - *20th July, 1959* Decision of the Council concerning the application to Spain of the Code of Liberalisation and related Decisions.

1. The Acts relating to special cases of countries enjoying credits from the European Fund are dealt with in Part II Chapter 3 «The European Monetary Agreement and the related Acts of the O.E.E.C.» (See also paragraph 65 of Part II, Chapter 2.)

REFERENCE	TITLE
<i>C(60)174 - 19th July, 1960</i>	Decision of the Council concerning the application by Spain of the provisions of Article 3 <i>d</i>) of the Code of Liberalisation.
B. Greece	
<i>C(54)110(Final) - 21st May, 1954</i>	Decision of the Council repealing the former Articles 3 <i>d</i>) and 20 <i>d</i>) of the Code of Liberalisation.
<i>C(54)202(Final) - 30th July, 1954</i>	Recommendation of the Council concerning the development of exports of Greek products.
C. Italy	
<i>C(57)205(Final) - 28th February, 1958</i> .	Recommendation of the Council concerning obstacles to exports of Italian agricultural products.
D. Turkey	
<i>C(57)215 - 11th October, 1957</i>	Decision of the Council concerning the situation of Turkey in relation to her obligations under the Code of Liberalisation.
X. AGRICULTURE	
<i>CMA(56)6 * - 3rd May, 1956</i>	Resolution of the Ministerial Committee for Agriculture and Food concerning the choice of methods for relaxing import regimes for apples, pears and tomatoes.

Annex II

**ACTS OF THE O.E.E.C. RELATING TO THE E.M.A. WHICH
THE PREPARATORY COMMITTEE RECOMMEND FOR
APPROVAL BY THE COUNCIL OF THE O.E.C.D.**

1. Recommendation of the Council of 29th July, 1955, relating to the E.M.A. and the Protocol of Provisional Application of that Agreement. (Under which the Council " decides to take such action and perform such duties as are provided for in the Agreement "). C(55)221
2. Decision of the Council of 29th July, 1955, giving Directives for the Application of the E.M.A.¹ C(55)222
3. Entry in the Minutes of the 296th Meeting of the Council, held on 28th-30th July, 1955, approving the exchange of letters between the Representative of the United States and the Secretary-General of the O.E.E.C. concerning the transfer of E.P.U. assets to the European Fund [see Annexes II and III to C(55)234]. C/M(55)27, Part I, Item 213 b)
4. Recommendation of the Council of 31st July, 1958, concerning the execution and development of the Turkish Stabilization Programme. C(58)214
5. Entry in the Minutes of the 426th Meeting of the Council, held on 6th January, 1959, authorising the Secretary-General to send to the Permanent United States Representative the letter as drafted in the Addendum to C(58)280. C/M(59)1, Item 5

In this letter the Secretary-General acknowledges a letter from the United States Representative approving the transfer to the European Fund of the remaining portion of the amount of dollars contributed by the United States towards the founding of the E.P.U.

6. Decision of the Council of 30th December, 1958, relating to the termination of the Agreement for the Establishment of a European Payments Union and the application of the E.M.A. C(58)281(Final)

Establishes that the E.M.A. began to apply at the close of business on 27th December, 1958.

1. As amended up to the date on which the O.E.C.D. Convention comes into force.

7. Decision of the Council of 30th January, 1959, concerning the execution of the liquidation provisions of the E.P.U. C(59)16(Final)
- Under which each Contracting Party to the E.P.U. Agreement signified its express agreement with the figures, insofar as it was concerned, relating to the execution of the liquidation provisions of the E.P.U. and, in particular, the bilateral credits arising out of the ordinary and the special E.P.U. credits.*
8. Decision of the Council of 30th January, 1959, concerning the execution and development of the Turkish Stabilization Programme and the granting by the European Fund of credit to Turkey. C(59)36
9. Decision of the Council of 21st April, 1959, concerning the financial year of the E.M.A. - paragraph 1 only. C(59)54(Final)
10. Resolution of the Council of 21st April, 1959, concerning "final approval" of the periodic reports of the Agent on the execution of financial operations under the E.M.A. C(59)61(Final)
- Establishes the procedure under which each Contracting Party signifies its express agreement, as far as it is concerned, with the figures in the Agent's Reports when these Reports are given final approval by the Council thus confirming all payments already made by or to the European Fund.*
11. Decision of the Council of 21st April, 1959, concerning the rate of interest on drawings of interim finance under Article 10 of the E.M.A. - paragraph 3 only. (Instructs the Board of Management to keep the interim finance provisions under constant review and to determine from time to time whether the rate of interest thereon should be modified.) C(59)91(Final)
12. Entry in the Minutes of the 447th Meeting of the Council, held on 12th June, 1959, confirming the interpretation of Article 4 b) of the E.M.A. given in the report C(59)121, which determines schedules for the payment of annual instalments and half-yearly interest in respect of loans granted to Norway and Turkey by the European Payments Union and transferred to the European Fund. C/M(59)15, Item 127
13. Decision of the Council of 12th June, 1959, concerning arrangements for the repayment of bilateral credits granted to or by Turkey upon the liquidation of the European Payments Union. C(59)137(Final)
- Lays down schedules for the monthly instalments to be paid by Turkey to the European Fund and by the latter to each of the bilateral creditors and for the half-yearly interest payments.*
14. Resolution of the Council of 20th July, 1959, concerning the carrying out, review and reinforcement of Spain's Stabilization Programme. C(59)193

15. Decision of the Council of 20th July, 1959, concerning the calling up of the contributions of certain Contracting Parties to the E.M.A. C(59)194
Provides that the contributions of Denmark, Spain, Greece, Iceland, Norway and Turkey shall be covered by the deferment rule in Article 4 d), i.e. shall be called up after all the other contributions.
16. Decision of the Council of 20th July, 1959, concerning financial assistance to Spain. C(59)195
17. Decision of the Council of 29th January, 1960, concerning Iceland's Stabilization Programme and financial assistance to Iceland. C(60)32
18. Decision of the Council of 12th February, 1960, concerning the carrying out of Spain's Stabilization Programme and financial assistance to Spain. C(60)39(Final)
19. Resolution of the Council of 7th April, 1960, concerning the appointment of auditors to the European Fund and their terms of reference for the first financial year of the E.M.A. C(60)53(Final)
20. Decision of the Council of 19th July, 1960, concerning the carrying out of Iceland's Stabilization Programme and financial assistance to Iceland. C(60)166
21. Resolution of the Council to be taken in January 1961, appointing, for the year 1961, the Chairman, Vice-Chairmen and Members of the Board of Management of the E.M.A. ...

Uitgegeven de zevende juni 1961.

De Minister van Buitenlandse Zaken,
 J. LUNS.

INHOUD

bladz.

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