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ภาษาไทย

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ภาคผนวก

ศูนย์วิทยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

ภาคผนวก ก

ข้อตกลงทั่วไปว่าด้วยภาษีศุลกากรและการค้า

Article XVI of the General Agreement on Tariffs and Trade

Subsidies

Section A - Subsidies in General

1. If any contracting party grants or maintains any subsidy, including any form of income or price support, which operates directly or indirectly ducts into its territory it shall notify the CONTRACTING Parties in writing of the extent and nature of the subsidization, of the estimated effect of the subsidization on the quantity of the affected product or products imported into or exported from its territory and of the circumstances making the subsidization necessary. In any case in which it is determined that serious prejudice to the interests of any other contracting party is caused or threatened by any such subsidization, the contracting party granting the subsidy shall, upon request, discuss with the other contracting party or parties concerned, or with the CONTRACTING Parties, the possibility of limiting the subsidization.

Section B - Additional Provisions on Export Subsidies

2. The contracting parties recognize that the granting by a contracting party of a subsidy on the export of any product may have

harmful effects for other contracting parties, both importing and exporting, may cause undue disturbance to their normal commercial interests, and may hinder the achievement of the objectives of this Agreement.

3. Accordingly, contracting parties should seek to avoid the use of subsidies on the export of primary products. If, however, a contracting party grants directly or indirectly any form of subsidy which operates to increase the export of any primary product from its territory, such subsidy shall not be applied in a manner which results in that contracting party having more than an equitable share of world export trade in the product, account being taken of the shares of the contracting parties in such trade in the product during a previous representative period, and any special in the product during a previous representative period, and any special factors which may have affected or may be affecting such trade in the product.

4. Further, as from 1 January 1958 or the earliest practicable date thereafter, contracting parties shall cease to grant either directly or indirectly any form of subsidy on the export of any product other than a primary product which subsidy results in the sale of such product for export at a price lower than the comparable price charged for the like product to buyers in the domestic market. Until 31 December 1957 no contracting party shall extend the scope of any such subsidization beyond that existing on 1 January 1955 by the introduction of new, or the extension of existing subsidies.

5. The CONTRACTING Parties shall review the operation of the provisions of this Article from time to time with a view to examining its effectiveness, in the light of actual experience, in promoting the

objectives of this Agreement and avoiding subsidization seriously prejudicial to the trade or interests of contracting parties.

NOTE TO ARTICLE XVI

The exemption of an exported product from duties or taxes borne by the like product when destined for domestic consumption, or the remission of such duties or taxes in amounts not in excess of those which have accrued, shall not be deemed to be a subsidy.

Section B

1. Nothing in Section B shall preclude the use by a contracting party of multiple rates of exchange in accordance with the Articles of Agreement of the International Monetary Fund.

2. For the purposes of Section B, a "primary product" is understood to be any product of farm, forest or fishery, or any mineral, in its natural form or which has undergone such processing as is customarily required to prepare it for marketing in substantial volume in international trade.

Paragraph 3

1. The fact that a contracting party has not exported the product in question during the previous representative period would not in itself preclude that contracting party from establishing its right to obtain a share of the trade in the product concerned.

2. A system for the stabilization of the domestic price or of the return to domestic producers of a primary product independently of

the movements of export prices, which results at times in the sale of the product for export at a price lower than the comparable price charged for the like product to buyers in the domestic market, shall be considered not to involve a subsidy on exports within the meaning of paragraph 3 if the CONTRACTING Parties determine that:

- (a) the system has also resulted, or is so designed as to result, in the sale of the product for export at a price higher than the comparable price charged for the like product to buyers in the domestic market; and
- (b) the system is so operated, or is designed so to operate, either because of the effective regulation of production or otherwise, as not to stimulate exports unduly or otherwise seriously to prejudice the interests of other contracting parties.

Notwithstanding such determination by the CONTRACTING Parties, operations under such a system shall be subject to the provisions of paragraph 3 where they are wholly or partly financed out of government funds in addition to the funds collected from producers in respect of the product concerned.

Paragraph 4

The intention of paragraph 4 is that the contracting parties should seek before the end of 1957 to reach agreement to abolish all remaining subsidies as from 1 January 1958; or, failing this, to reach agreement to extend the application of the standstill until the earliest date thereafter by which they can expect to reach such agreement.

Article XXII

Consultation

1. Each contracting party shall accord sympathetic consideration to, and shall afford adequate opportunity for consultation regarding, such representations as may be made by another contracting party with respect to any matter affecting the operation of this agreement.

2. The CONTRACTING Parties may, at the request of a contracting party, consult with any contracting party or parties in respect of any matter for which it has not been possible to find a satisfactory solution through consultation under paragraph 1.

Article XXIII of the General Agreement on Tariffs and Trade

Nullification or Impairment

1. If any contracting party should consider that any benefit accruing to it directly or indirectly under this Agreement is being nullified or impaired or the attainment of any objective of the Agreement is being impeded as the result of

- (a) the failure of another contracting party to carry out its obligations under this Agreement, or
- (b) the application by another contracting party of any measure, whether or not it conflicts with the provisions of the Agreement, or
- (c) the existence of any other situation,

The contracting party may, with a view to the satisfactory adjustment

of the matter, make written representations or proposals to the other contracting party or parties which it considers to be concerned. Any contracting party thus approached shall give sympathetic consideration to the representations or proposals made to it

2. If no satisfactory adjustment is effected between the contracting parties concerned within a reasonable time, or if the difficulty is of the type described in paragraph 1 (c) of this Article, the matter may be referred to the CONTRACTING Parties. The CONTRACTING Parties shall promptly investigate any matter so referred to them and shall make appropriate recommendations to the contracting parties which they consider to be concerned, or give a ruling on the matter, as appropriate. The CONTRACTING Parties may consult with contracting parties, with the Economic and Social Council of the United Nations and with any appropriate inter-governmental organization in cases where they consider such consultation necessary. If the CONTRACTING Parties consider that the circumstances are serious enough to justify such action, they may authorize a contracting party or parties to suspend the application to any other contracting party or parties of such concessions or other obligations under this Agreement as they determine to be appropriate in the circumstances. If the application to any contracting party of any concession or other obligation is in fact suspended, that contracting party shall then be free, not later than sixty days after such action is taken, to give written notice to the Executive Secretary to the CONTRACTING Parties of its intention to withdraw from this Agreement and such withdrawal shall take effect upon the sixtieth day following the day on which such notice is received by him.

ภาคผนวก ข

ข้อตกลงว่าด้วยการอุดหนุน 1979

Article 10

Export subsidies on certain primary products

1. In accordance with the provisions of Article XVI:3 of the General Agreement, signatories agree not to grant directly or indirectly any export subsidy on certain primary products in a manner which results in the signatory granting such subsidy having more than an equitable share of world export trade in such product, account being taken of the shares of the signatories in trade in the product concerned during a previous representative period, and any special factors which may have affected or may be affecting trade in such product.

2. For purposes of Article XVI:3 of the General Agreement and paragraph 1 above:

- (a) "more than an equitable share of world export trade" shall include signatory is to displace the exports of another signatory bearing in mind the developments on world markets;
- (b) with regard to new markets traditional patterns of supply of the product concerned to the world market, region or country, in which the new market is situated shall be taken into account in determining "equitable share of world export trade";

- (c) "a previous representative period" shall normally be the there most recent calendar years in which normal market conditions existed.

Article 11

Subsidies other than export subsidies

1. Signatories recognize that subsidies other than export subsidies are widely used as important instruments for the promotion of social and economic policy objectives and do not intend to restrict the right of signatories to use such subsidies to achieve these and other important policy objectives which they consider desirable.

Signatories note that among such objectives are:

- (a) the elimination of industrial, economic and social disadvantages of specific regions,
- (b) to facilitate the restructuring, under socially acceptable conditions, of certain sectors, especially where this has become necessary because of changes in trade and economic policies, including international agreements resulting in lower barriers to trade,
- (c) generally to sustain employment and to encourage re-training and change in employment,
- (d) to encourage research and development programmes, especially in the field of high-technology industries,
- (e) the implementation of economic programmes and policies to promote the economic and social development of developing countries,

(f) redeployment of industry in order to avoid congestion and environmental problems.

2. Signatories recognize, however, that subsidies other than export subsidies, certain objectives and possible form of which are described, respectively, in paragraphs 1 and 3 of this Article, may cause or threaten to cause injury to a domestic industry of another signatory or serious prejudice to the interests of another signatory or may nullify or impair benefits accruing to another signatory under the General Agreement in particular where such subsidies would adversely affect the conditions of normal competition. Signatories shall therefore seek to avoid causing such effects through the use of subsidies. In particular, signatories, when drawing up their policies and practices in this field, in addition to evaluating the essential internal objectives to be achieved, shall also weigh, as far as practicable, taking account of the nature of the particular case, possible adverse effects on trade. They shall also consider the conditions of world trade, production (e.g. price, capacity utilization etc.) and supply in the product concerned.

3. Signatories recognize that the objectives mentioned in paragraph 1 above may be achieved, inter alia, by means of subsidies granted with the aim of giving an advantage to certain enterprises. Examples of possible forms of such subsidies are: government financing of commercial enterprises, including grants, loans or guarantees; government provision or government financed provision of utility, supply distribution and other operational or support services or

facilities; government provision or government financed provision of utility, supply distribution and other operational or support services or facilities; government financing of research and development programmes; fiscal incentives; and government subscription to, or provision of, equity capital.

Signatories note that the above form of subsidies are normally granted either regionally or by sector. The enumeration of forms of subsidies set out above is illustrative and non-exhaustive, and reflects those currently granted by a number of signatories to this Agreement.

Signatories recognize, nevertheless, that the enumeration of forms of subsidies set out above should be reviewed periodically and that this should be done, through consultations, in conformity with the spirit of Article XVI:5 of the General Agreement.

4. Signatories recognize further that, without prejudice to their rights under this Agreement, nothing in paragraphs 1-3 above and in particular the enumeration of forms of subsidies creates, in itself, any basis for action under the General Agreement, as interpreted by this Agreement.

Article 12

Consultations

1. Whenever a signatory has reason to believe that an export subsidy is being granted or maintained by another signatory in a manner inconsistent with the provisions of this Agreement, such signatory may

request consultations with such other signatory.

2. A request for consultations under paragraph 1 above shall include a statement of available evidence with regard to the existence and nature of the subsidy in question.

3. Whenever a signatory has reason to believe that any subsidy is being granted or maintained by another signatory and that such subsidy either causes injury to its domestic industry, nullification or impairment of benefits, accruing to it under the General Agreement, or serious prejudice to its interests, such signatory may request consultations with such other signatory.

4. A request for consultations under paragraph 3 above shall include a statement of available evidence with regard to (a) the existence and nature of the subsidy in question and (b) the injury caused to the domestic industry or, in the case of nullification or impairment, or serious prejudice, the adverse effects caused to the interests of the signatory requesting consultations.

5. Upon request for consultations under paragraph 1 or paragraph 3 above, the signatory believed to be granting or maintaining the subsidy practice in question shall enter into such consultations as quickly as possible. The purpose of the consultations shall be to clarify the facts of the situation and to arrive at a mutually acceptable solution.

Article 13

Conciliation, dispute settlement and authorized countermeasures

1. If, in the case of consultations under paragraph 1 of Article 12, a mutually acceptable solution has not been reached within thirty days of the request for consultations, any signatory party to such consultations may refer the matter to the Committee for conciliation in accordance with the provisions of Part VI.
2. If, in the case of consultations under paragraph 3 of Article 12, a mutually acceptable solution has not been reached within sixty days of the request for consultations, any signatory party to such consultations may refer the matter to the Committee for conciliation in accordance with the provisions of Part VI.
3. If any dispute arising under this Agreement is not resolved as a result of consultations or conciliations, the Committee shall, upon request, review the matter in accordance with the dispute settlement procedures of Part VI.
4. If, as a result of its review, the Committee concludes that an export subsidy is being granted in a manner inconsistent with the provisions of this Agreement or that a subsidy is being granted or maintained in such a manner as to cause injury, nullification or impairment, or serious prejudice, it shall make such recommendations to the parties as may be appropriate to resolve the issue and, in the event the recommendations are not followed, it may authorize such

countermeasures as may be appropriate, taking into account the degree and nature of the adverse effects found to exist, in accordance with the relevant provisions of Part VI.

Part VI

Article 17

Conciliation

1. In cases where matters are referred to the Committee for conciliation failing a mutually agreed solution in consultations under any provision of this Agreement, the Committee shall immediately review the facts involved and, through its good offices, shall encourage the signatories involved to develop a mutually acceptable solution.
2. Signatories shall make their best efforts to reach a mutually satisfactory solution throughout the period of conciliation.
3. Should the matter remain unresolved, notwithstanding efforts at conciliation made under paragraph 2 above, any signatory involved may, thirty days after the request for conciliation, request that a panel be established by the Committee in accordance with the provisions of Article 18 below.

Article 18

Dispute settlement

1. The Committee shall establish a panel upon request pursuant to paragraph 3 of Article 17. A panel so established shall review the facts of the matter and, in light of such facts, shall present to the Committee its findings concerning the rights and obligations of the signatories party to the dispute under the relevant provisions of the General Agreement as interpreted and applied by this Agreement.

2. A panel should be established within thirty days of a request therefor and a panel so established should deliver its findings to the Committee within sixty days after its establishment.

3. When a panel is to be established, the Chairman of the Committee, after securing the agreement of the signatories concerned, should propose the composition of the panel. Panels shall be composed of three or five members, preferably governmental, and the composition of panels should not give rise to delays in their establishment. It is understood that citizens of countries whose governments are parties to the dispute would not be members of the panel concerned with that dispute.

4. In order to facilitate the constitution of panels, the Chairman of the Committee should maintain an informal indicative list of governmental and non-governmental persons qualified in the fields of trade relations, economic development, and other matters covered by

General Agreement and this Agreement, who could be available for serving on panels. For this purpose, each signatory would be invited to indicate at the beginning of every year to the Chairman of the Committee the name of one or two persons who would be available for such work.

5. panel members would serve in their individual capacities and not as government representatives, nor as representatives of any organization. Governments could therefore not give them instructions with regard to matters before a panel. Panel members should be selected with a view to ensuring the independence of the members, a sufficiently diverse background and a wide spectrum of experience.

6. To encourage development of mutually satisfactory solutions between the parties to a dispute and with a view to obtaining their comments, each panel should first submit the descriptive part of its report to the parties concerned, and should subsequently submit to the parties to the dispute its conclusions, or an outline thereof, a reasonable period of time before they are circulated to the Committee.

7. If a mutually satisfactory solution is developed by the parties to a dispute before a panel, any signatory with an interest in the matter has a right to enquire about and be given appropriate information about that solution and a notice outlining the solution that has been reached shall be presented by the panel to the Committee.

8. In cases where the parties to a dispute have failed to come to a satisfactory solution, the panels shall submit a written report to the Committee which should set forth the findings of the panel as to the questions of

ANNEX

ILLUSTRATIVE LIST OF EXPORT SUBSIDIES

- (a) The provision by governments of direct subsidies to a firm or an industry contingent upon export performance.
- (b) Currency retention schemes or any similar practices which involve a bonus on exports.
- (c) Internal transport and freight charges on export shipments, provided or mandated by governments, on terms more favourable than for domestic shipment.
- (d) The delivery by governments or their agencies of imported or domestic products or services for use in the production of exported goods, on terms or conditions more favourable than for delivery of like or directly competitive products or services for use in the production of goods for domestic consumption, if (in the case of products) such terms or conditions are more favourable than those commercially available on world markets to their exporters.
- (e) The full or partial exemption, remission, or deferral specifically related to exports, of direct taxes or social welfare charges paid or payable industrial or commercial enterprises.

- (f) The allowance of special deductions directly related to exports or export performance, over and above those granted in respect of production for domestic consumption, in the calculation of the base on which direct taxes are charged.
- (g) The exemption or remission in respect of the production and distribution of exported products, of indirect taxes in excess of those levied in respect of the production and distribution of like products when sold for domestic consumption.
- (h) The exemption, remission or deferral of prior stage cumulative indirect taxes on goods or services used in the production of exported products in excess of the exemption, remission or deferral of like prior stage cumulative indirect taxes on goods or services used in the production of like products when sold for domestic consumption; provided, however, that prior stage cumulative indirect taxes may be exempted, remitted or deferred on exported products even when not exempted, remitted or deferred on like products when sold for domestic consumption, if the prior stage cumulative indirect taxes are levied on goods that are physically incorporated (making normal allowance for waste) in the exported product.
- (i) The remission of drawback of import charges in excess of those levied on imported goods that are physically incorporated (making normal allowance for waste) in the exported product; provided, however, that in particular cases a firm may use a quantity of home market goods equal to and having the same quality and characteristics as, the imported goods as a substitute for them in order to benefit from this provision if the import and the

corresponding export operations both occur within a reasonable time period, normally not to exceed two years.

- (j) The provision by governments (or special institutions controlled by governments) of export credit guarantee or insurance programmes, of insurance or guarantee programmes against increases in the costs of exported products or of exchange risk programmes, at premium rates, which are manifestly inadequate to cover the long-term operating costs and losses of the programmes.
- (k) The grant by governments (or special institutions controlled by and/or acting under the authority of governments) of export credits at rates below those which they actually have to pay for the funds so employed (or would have to pay if they borrowed on international capital markets in order to obtain funds of the same maturity and denominated in the same currency as the export credit), or the payment by them of all or part of the costs incurred by exporters or financial institutions in obtaining credits, in so far as they are used to secure a material advantage in the field of export credit terms.

Provided, however, that if a signatory is a party to an international undertaking on official export credits to which at least twelve original signatories to this Agreement are parties as of 1 January 1979 (or a successor undertaking which has been adopted by those original signatories), or if in practice a signatory applies the interest rates provisions of the relevant undertaking not be considered an export subsidy prohibited by this Agreement.

- (i) Any other charge on the public account constituting an export subsidy in the sense of Article XVI of the General Agreement.

CONSULTATIVE SUBCOMMITTEE ON SURPLUS DISPOSAL
 LIST OF MEMBER COUNTRIES, OBSERVER COUNTRIES AND
 OBSERVER ORGANIZATIONS

(As of 1 October 1979)

Member countries (46)

Argentina	Ghana	New Zealand
Australia	Greece	Nigeria
Austria	Guatemala	Pakistan
Belgium	India	Panama
Bolivia	Indonesia	Paraguay
Brazil	Iraq	Peru
Burma	Ireland	Spain
Canada	Israel	Sri Lanka
Costa Rica	Italy	Sweden
Cuba	Jamaica	Switzerland
Denmark	Japan	Thailand
Ecuador	Lebanon	Trinidad and Tobago
Egypt	Malawi	Turkey
France	Mexico	United Kingdom
Germany, Fed. Rep. of	Netherlands	United States
		Uruguay

* Food and Agriculture Organization, Principle of Surplus Disposal (Rome : FAO, 1982), p. 43.

European Economic Community

Observer countries (19)

Chile	Jordan	Portugal
Colombia	Korea, Rep. of	Saudi Arabia,
Dominican Republic	Lao	Kingdom of
El Salvador	Libya	Tunisia
Finland	Malta	Viet Nam
Honduras	Norway	Yugoslavia
Iran	Philippines	



ศูนย์วิทยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

ภาคผนวก ค.
หลักการระบายส่วนเกิน

PRO FORM FOR PRIOR NOTIFICATION*

Not for publication until the transaction is officially announced

1. Type of Transaction (i.c., identify from those included in Catalogue of Transactions)
2. Aid-Supplying country
3. Recipient country or international organization
4. Commodity Table

Commodity	Quantity (in tons)	World market value fob (in US dollars)
5. Supply period		
6. Terms of Loans or sales on credit, if applicable (i.c., for types 9, 10 and 11, indicate interest rate, repayment period, other related terms)		
7. Provisions to safeguard normal commercial trade, including the usual marketing requirements		

* Food and Agriculture Organization, Principle of Surplus Disposal, (Rome : FAO, 19822), p. 49.

LIST OF TRANSACTIONS

1. Gifts or donations of commodities from a government to a government of an importing country, and intergovernmental organization or private institution for free distribution directly to the final consumers in the importing country.
2. Gifts or donations of commodities from a government to a government of an importing country, or an intergovernmental organization or a private institution for distribution, by means of sale on the open market of the importing country.
3. Monetary grants by the government of an exporting country to an importing country, for the specific purpose of purchasing a commodity from the exporting country.
4. Monetary grants by a government either to a supplying country (or countries) or to a recipient country for the specific purpose of purchasing a commodity from the exporting country (or countries) for delivery to the specific recipient country.
5. Monetary grants by a government to an intergovernmental organization for the specific purpose of purchasing commodities in the open market for delivery to eligible importing countries (developing countries).
6. Transfers of commodities under the rules and established

procedures of the World Food Programme.

7. Sales for the currency of the importing country which is not transferable and is not convertible into currency or goods and services for use by the contribution country.
8. Sales for the currency of the importing country which is partially convertible into currency or goods and services for use by the contributing country.
9. Government-sponsored loans of agricultural commodities repayable in kind.
10. Sales on credit in which, as a result of government intervention, or of a centralized marketing scheme, the interest rate, period of repayment (including periods of grace) or terms prevailing in the world market. In particular with respect to period of repayment, credit transactions are distinguished as follows: (a) 10 years or more; (b) over 3 years and under 10 years; (c) up to 3 years.
11. Sales in which the funds for the purchase of commodities are obtained under a loan from the government of the exporting country tied to the purchase of those commodities, distinguished as follows with respect to period of repayment: (a) 10 years or more; (b) over 3 years and under 10 years; (c) up to 3 years.
12. Transactions under categories 1 to 4 and 7 to 11 subject to tied Usual Marketing Requirements or to tied Offset purchasing Requirements.
13. Transactions under categories 1 to 4 and 7 to 11 tied to the purchase of fixed quantities of the same of another commodity from the exporting country.

14. Sales in which as a result of government intervention or of a centralized marketing scheme: (a) prices are inconsistent with price provisions of an international agreement for the commodity concerned; or (b) prices are lower than prevailing world prices; or (c) sales made in such ways as to disrupt prevailing world prices or the normal patterns of international trade.
15. Subsidized exports and imports, including special transport arrangements.
16. Barter transactions not involving price concessions: (a) government sponsored; (b) not government-sponsored.
17. Barter transactions involving price concessions: (a) government-sponsored; (b) not government-sponsored.
18. Sales for nonconvertible currency: (a) involving price concessions; (b) not involving price concessions.
19. Any other categories of government-sponsored transactions which may interfere with normal commercial trade.
20. Transactions which conform to the usual commercial practices in international trade and which do not include those transactions listed above.

ศูนย์วิทยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

Council Resolution No. 2/20

Principles of Surplus disposal

THE COUNCIL

Recalling FAO Conference resolution No. 14 (53) on the Disposal of Agricultural Surpluses;

Having noted the findings and recommendations presented in pursuance of Conference Resolution No. 14 (53) in the report of the CCP Working Party on Surplus Disposal (CCP 54/2);

Having further noted the recommendations transmitted to FAO Member Governments by the Committee on Commodity Problems in Section VI of the report of its Twentythird Session;

Endorses the findings, recommendations and actions of the Committee on Commodity Problems in pursuance of conference Resolution No. 14(53);

Urges FAO Member Governments to give serious consideration to the principles of surplus disposal which are contained in the attached statement and which were recommended to governments by the Committee on commodity Problems and endorsed by the Council;

Requests the Director-General of FAO to transmit to Member Governments this Resolution, together with the attached statement of Principles of Surplus disposal recommended by FAO asking Member governments to inform him well in advance of the next Council Session whether they are prepared to adhere to these principles, and to communicate to him

any observations they may wish to make on them;

Decides that the matter, including replies received from governments, should be considered further at the next sessions of the CCP and Council;

Draws the attention of Member governments to the attached statement of general guiding lines formulated by the CCP at its Twentythird Session.

Principles of Surplus Disposal Recommended by FAO

General principles

1. The solution to problems of agricultural disposal should be sought, wherever possible, through efforts to increase consumption rather than through measures to restrict supplies.
2. Member Governments which have excess stocks of agricultural products should dispose of such products in an orderly manner so as to avoid any undue pressure resulting in sharp falls of prices on world markets particularly when prices of agricultural products are generally low.
3. Where surpluses are disposed of under special terms, there should be an undertaking from both importing and exporting countries that such arrangements will be made without harmful interference with the normal patterns of production and international trade.

Principles governing sales on concessional terms

4. In determine whether or not sales on concessional terms or

grants to a given region* cause any harmful interference with normal patterns of production and international trade, and prices, account should be taken of special factors affecting trade in the commodity concerned, with particular regard to the following aspects:

(1) the extent to which commodities supplied on concessional terms are likely to be absorbed by additional consumption (i.e., consumption which would not have taken place in the absence of the transaction on special terms);

(2) to the extent that sales of the commodities supplied on special terms may constitute some danger of displacement of commercial sales of identical or related commodities, that danger will have to be assessed in the light of relevant factors, particularly the following:

(a) the exporter's share in the region's imports of the commodity concerned during a representative base period, due allowance being made for factors which lessen the significance of such historical comparisons;

(b) whether the exports on special terms are likely to form so small (or large) a share of the region's imports of the commodity that the effect of special terms on such trade is likely to be of minor (or major) significance:

*The "given region" may be either "all foreign markets" of a particular area.

- (c) the degree of importance of trade in the commodity to the economy of the exporter concerned, to the economies of competing exporters of the commodity concerned and of closely related commodities and to the importing region's economy;
- (d) the character and extent of the concession offered and their probable effect on (i) the region's usual total imports of the commodity concerned and related commodities, (ii) the exporters's share in the region's imports of the commodity concerned, and (iii) the interference with implementation of treaties or agreements which deal with world trade in these commodities;
- (e) the degree to which commercial market prices are, or are likely to be, affected in the importing region and in world trade;
- (f) the degree, if any, to which effects of the kind mentioned under (d) and (e) above are likely to affect the stability, or desirable expansion, of production and trade of the commodity concerned and of closely related commodities in both exporting and importing countries.
- (5) In weighing the advantages to countries benefiting from special disposal measured against the possible harm done to other countries,

account must be taken of the relationship of possible sacrifices to the economic capacity of the countries concerned, and in particular to the effects of such sacrifices on their rates of development.

(6.) In accordance with paragraph 4 above, the following more specific considerations should be taken into account in determining whether or not harmful interference with normal patterns of production and trade is caused, or likely to be caused, by some of the most important types of transactions on concessional terms, namely the following

- (1) The extent to which commodities supplied on special terms in aid of economic development are likely to be absorbed by additional consumption, which will depend, inter alia, on the net increase in purchasing power resulting from total new development expenditure, and on the extent to which such additional purchasing power will be directed to purchases of the commodities supplied on special terms;
- (b) to the extent that exports of the commodities supplied on special terms in aid of development programs may constitute some danger of displacement of commercial sales of identical or related products, that danger will have to be weighed against the advantages resulting from such programs to the receiving country and to the world at large.

(2) Sales on concessional terms, or grants, for special welfare distribution programs

Account should be taken, in particular, of the following aspects:

- (a) Whether the conditions for, and facilities for, welfare distribution in the recipient country are likely to be such as to lead to additional consumption of the beneficiary group;
- (b) To the extent that the transaction may constitute some danger of displacement of commercial sales of identical or related products, that danger will have to be weighed against the character and extent of the benefits resulting from the contribution to the welfare program.

(3) Sales on concessional terms, or grants, for emergency relief
Account should be taken, in particular, of the following aspects:

- (a) The character, extent, and urgency of the emergency;
- (b) The effect of the emergency on the stricken country's ability to pay;
- (c) The volume of relief and the character and extent of the concessions offered, and their probable effect on the total commercial imports of the stricken country and on the trade of competing exporters.

(7) Assurance against resale or trans-shipment

(1) In bilateral transactions involving special concessional terms, the intended beneficiary country should make every effort to prevent resale of trans-shipment to other countries, or the sue for other than additional domestic consumption, of the commodities supplied to it on special terms.

(2) Care should also be taken by the intended beneficiary to prevent exports of supplies of the same or related commodities which might be freed for sale abroad as a result of the country's imports on special terms.

(3) Where a triangular transaction occurs, under which a commodity supplied on special terms is shipped for processing in a third country, the third country should use its best endeavors to ensure that the commodities supplied on special terms are trans-shipped to the intended beneficiary. The same principles should apply when more than three countries are involved.

Principles governing sales of government-held stocks in exceptional volume, or at an exceptionally rapid rate

(8) Harmful interference with normal patterns of production and international trade can be caused not only by sales on concessional terms but also by the quantity of the commodity sold, and/or the rate at which it is moved, seen in relation to other market characteristics.

(9) Since it is difficult to agree on any precise definition of "exceptional" volume or rate of sales, or of "harmful interference caused by such sales, these aspects need to be ascertained by the merits of each case with the aid of a series of commonsense criteria on the lines of those listed in Paragraphs (4) and (5) above. In the case of very large bulk transactions or sudden drastic changes in governmental sales policies, such as the sudden abandonment of price-support measures and large-scale releases of stocks on foreign markets (e.g., liquidation of stockpiles), it will probably not be difficult of practice to ascertain that the volume or rate of offerings are exceptional. Governments undertaking, or proposing to undertake, such large-scale releases, should, whenever practicable, consult with other countries interested in the possible effects of such transactions.

**Procedures of notification, consultation and establishment of
Usual Marketing requirements (UMR) under the Principles of
Surplus Disposal recommended by FAO**

The following procedures for notification, consultation and establishment of Usual Marketing Requirements are applicable to transactions of the types mentioned in the Catalogue of Transactions

NOTIFICATION AND CONSULTATION

1. All reporting and consultative obligations and procedures shall be based on the principle of reciprocity among Member Nations and Associate Members.

2. Before carrying out any transaction in agricultural commodities of a type mentioned in the Catalogue of Transactions, and taking into account the special situations covered in paras (3), (4) and (5) below, the supplying country shall:

- (a) undertake bilateral consultations with countries substantially interested by reason of their exports of the commodity concerned to the recipient country;
- (b) notify the CSD of the main features of the proposed transaction in order to provide other countries directly interested in exports of the commodity an opportunity for bilateral consultations, it being understood that this would not result in any lengthening of the total period of consultation.

3. The above procedures shall not apply to:

- (a) transactions effected through intergovernmental organizations (including WFP) whose commodity transfers are already subject to special consultative rules of through intergovernmental organizations (including UNICEF and UNRWA), whose operations are of such a nature and volume as not to constitute a substantial danger of harmful interference with normal patterns of production and international trade;
- (b) emergency transactions. In such cases, donor

countries shall notify the CSD ex post facto.

4. Government-to-government transactions of relatively small size and not involving sales in the local markets of the recipient country and therefore not likely to result in harmful interference with normal patterns of production and international trade shall be notified to CSD ex post facto as soon as practicable.

5. FAO Member Nations which effect transactions through private charitable institutions shall periodically notify the members of CSD using the CSD distribution machinery in a reasonably comprehensive form, of the relevant data on the current pattern of programmes and projects, so that a Member Nation which considers its commercial trade endangered may request bilateral consultation.

MODIFICATIONS TO THE LIST OF TRANSACTIONS AND TO THE CATALOGUE OF TRANSACTIONS.

6. There was general agreement that the lists of transactions were not exclusive and the some new types of transactions might be identified in the future. The Committee considered that CSD should be fixed in the future. The Committee considered that CSD should be prepared to examine proposals by Member Nations for additions to or deletions from the List of Transactions and modifications to the Catalogue of Transactions. If CSD, after taking account of arrangements in other international organizations concluded that the type of transaction concerned fell within the scope of the FAO

Principle of surplus Disposal, it could request the CCP to decide whether it should be added to the categories of transactions subject to consultations and/or reporting.

PROCEDURES FOR THE ESTABLISHMENT OF USUAL MARKETING REQUIREMENTS

7. The Committee reaffirmed the need for safeguarding usual commercial trade and, for this purpose, the need to establish safeguards, with the objective that the recipient country maintained at least the usual global commercial imports of the commodity concerned in addition to the imports under the concessional transaction.

8. The committee agreed that the establishment of a UMR was a useful and necessary technique in order to ensure observance of the FAO Principle of additionality. The Committee therefore recommended that any transaction undertaken by governments in categories subject to prior consultation, as provided in paragraph 2, shall be subject situation, in order to ensure that the transaction would result in additional consumption and did not harmfully affect normal patterns of production and trade. The UMR should be defined as the specific agreement by the recipient country to maintain at least a specified level of commercial imports in addition to any imports of the same commodities under the concessional transaction.

9. The committee noted that the FAO Principles of Surplus disposal contain provisions aimed at avoiding the danger of displacement of commercial sales of closely related commodities, and it reaffirmed

that any interested country should have the opportunity to be consulted in this connexion. The Committee therefore agreed that the supplying country should consider whether commercial trade in closely related commodities was likely to be harmfully affected and, if so, it should undertake consultations under the procedures set out in paragraphs 1 to 5, and take appropriate measures to safeguard such trade. A third party may request consultations with a supplying country on its own initiative.

1. In principle, the UMR should reflect the traditional commercial imports of the recipient country. The determination of a UMR should also take into account the economic and balance-of-payments position of the recipient countries and their development needs, and should not constitute an undue burden on them.

11. If the application of the principles in paragraph 10 leads to a change in UMR levels, wherever they exist, then such changes should take account of the balance-of-payments position of the recipient country and should avoid disruptive effects on its economic development.

12. The following steps will be taken to arrive at a UMR for a particular recipient country for a specified period.

- (a) As a point of departure, the supplying country approached will attempt to calculate the statistical figure representing the total commercial imports of the commodity concerned by the requesting country in a representative period of years, which should normally be

the preceding five years. To help arrive at a statistical basis as accurate as possible FAO will be prepared to furnish Member Nations with basic tradew statistics, including a breaddown according to types of transactions relating to the commodity and country concerned. To this end, Member Nations are requested to extend full cooperation in supplying the data required to facilitate the task of the Secretariat.

- (b) The Committee recognized that ther statistical figure of the total commercial imports of the recipient country in a representative period might need to be modified by special factors, such as the following:
- (i) a substantial change in production in relation to consumption of the commodity concerned in the recipient country;
 - (ii) a substantial change in the balance-of-payments position of general economic situation of the recipient country;
 - (iii) evidence of a significant trend in the reference period in the commercial imports of the commodity concerned of the recipient country;
 - (iv) the level of the relevant UMR negotiated according to the procedures laid down in the present paragraph by the interested countries in the nearest previous period. However, when a UMR is negotiated for the first time under these procecures, note will be taken of the provisions of paragraph II above;

- (v) any exceptional features affecting the representativeness of the reference period for the recipient country;
 - (vi) any other special considerations, including those which the government of the recipient country may raise in its request, or otherwise.
- (c) The proposed figure, with appropriate explanation in cases where it differs from the basic statistical figures (which shall also be notified), will be the subject of bilateral consultation with those Member Nations whose normal commercial exports may be affected by the transactions; if there is a suggestion of changing the negotiated UMR, this should be discussed between the supplying and the recipient countries.
- (d) The proposed UMR, as determined by the supplying country in the light of the bilateral consultations, will be included in the prior notification to CSD of the main features of the transaction, as provided in paragraph 2(b)
- (c) The final step in establishing the UMR will be the negotiation between the supplying country and the recipient country.

13. In determining a UMR for a given period, a supplying country would ensure at the stage of bilateral consultations that all the interests concerned were taken fully into account and use its best endeavours to arrive at a UMR that would be generally acceptable to

all the parties concerned.

14. For any given recipient country and commodity, the UMR should be established for a given period of time (e.g., the calendar fiscal or crop year, or any other period of 12 months, according to procedures to be agreed upon between the supplying country and the recipient) it being understood that during this period there can be only one such UMR.

15. In the event of an unforeseen and substantial deterioration in the balance-of-payment and general economic situation of the recipient country during the life of a particular UMR, such UMR may be renegotiated with respect of the same commodity and the same period of time.

16. The committee agreed that, if the need to improve procedures for establishing the UMR arises. CSD should study the problems concerned in order to assist any further consideration by CCP.

CCP RESOLUTION NO. 2/44

THE COMMITTEE ON COMMODITY PROBLEMS

Considering the Terms of Reference of the Consultative Sub-Committee on Surplus Disposal as determined by the Twenty-Third Session of the Committee in June 1954, the Twenty-Seventh Session of the Committee in June 1956, and the Thirty-First Session of the Committee in June 1959, and Considering Resolution 46/47 of the Ninth Session of the FAO Conference laying down principles to govern the

constituent rules of FAO bodies.

Decides, in the light of Rule XXIX of the General Rules of the Organization and of the principles referred to above, to re-state the Terms of Reference of the Consultative Sub-Committee on Surplus Disposal as follows:

1. The functions of the Sub-Committee shall be:

(a) to keep under review developments in the disposal of agricultural surpluses, and to assist Member Nations and Associate Member of the Organization in developing suitable means of surplus disposal;

(b) to provide a forum for consultation and notifications, including usual marketing requirements, of transactions of Member Nations and Associate Members of the Organization of the types in the attached catalogue and any other types of transactions as may be subsequently agreed by CCP, in the light of the Guiding Lines and Principles of surplus Disposal endorsed by the conference;

(c) and more generally to provide a forum for the examination of any difficulty that may arise in the light of the Guiding Lines and Principles of Surplus Disposal endorsed by the Conference, and to promote observance of the principles, it being understood that these Principles and Guiding Lines should not be interpreted as applying only to surplus disposal in the narrow sense; and

(d) to consider any other matters arising from the recommendations of the CCP at its Forty-Fourth Session on procedures for consultation and notification.

2. In carrying out its mandate, the Sub-Committee shall bear in mind the continuing need for steps to raise consumption levels, particularly in areas in need of development and among vulnerable and low-income groups, taking fully into account the special considerations embodied in the Guiding Lines affecting this aim; and shall also take into account policies of selective expansion of agricultural production and trade. The Sub-Committee shall interpret its mandate in a flexible way.

3. Membership in the Sub-Committee shall be open to all Member Nations and Associate Members of the Organization that wish to contribute actively, and on a regular basis, to carry out the Sub-Committee mandate. Membership shall comprise such eligible nations as have notified the Director-general of the Organization of their desire to be considered as members.

4. Since governments remain free as to whether or not they accept any conclusions reached by the Sub-Committee in its reviews of proposed or adopted measures, the main value of the work of the Sub-Committee lies in the opportunity offered for the exchange of information and for consultations. The value and effectiveness of this consultative machinery will depend primarily on the cooperation given to it by

Member Nations and Associate Members of the Organization, in respect of both the communication of information and the consideration of the Sub-Committee's conclusions.

5. In order to ensure the effective discharge of the functions of the Sub-Committee, Member Nations and Associate Members of the Organization shall, as far as practicable, furnish at the earliest possible date all the information required for the work of the Sub-Committee, and in particular all plans and programmes for disposal of surplus agricultural commodities through exports on concessional terms and information on transactions included in the catalogue.

6. Bearing in mind that Member Nations and Associate Members may have incurred obligations in other organizations and under international agreements, international organizations who are entitled to send observers to the CCP shall also be entitled to send observers to the Sub-Committee. On matters of primary concern to other inter-governmental bodies, the Sub-Committee should request the Director-General to invite the assistance of these bodies, and shall co-operate with them in avoiding the overlapping of functions.

7. The Sub-Committee shall report to the Committee on Commodity Problems, it being understood that copies of its reports, including any conclusions, will be circulated to interested governments and international organizations for their information as soon as they become available.

8. The Sub-Committee may adopt and amend its own rules of procedure, which shall be approved by the Committee on Commodity Problems and shall be consistent with the Rules of that committee.



ศูนย์วิทยทรัพยากร
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The functions of FAO are contained in Article 1 of its Constitution as follows:

1. The Organization shall collect, analyze, interpret, and disseminate information relating to nutrition, food, and agriculture,*
2. The Organization shall promote and, where appropriate, shall recommend national and international action with respect to
 - (a) scientific, technological, social, and economic research relating to nutrition, food, and agriculture;
 - (b) the improvement of education and administration relating to nutrition, food, and agriculture, and the spread of public knowledge of nutritional and agricultural science and practice;
 - (c) the conservation of natural resources and the adoption of improved methods of agricultural production;
 - (d) the improvement of the processing, marketing, and distribution of food and agricultural products;
 - (e) the adoption of policies for the provision of adequate agricultural credit, national and international;

* The term "agriculture" includes fisheries, marine products, forestry, and primary forestry products.

- (f) the adoption of international policies with respect to agricultural commodity arrangements.
3. It shall also be the function of the Organization
- (a) to furnish such technical assistance as governments may request;
 - (b) to organize, in co-operation with the governments concerned, such missions as may be needed to assist them to fulfill the obligations arising from their acceptance of the recommendations of the United Nations Conference on Food and Agriculture.



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