

No. 489

UNITED STATES OF AMERICA
and
IRELAND

Exchange of notes constituting an agreement relating to the application of most-favoured-nation treatment to the merchandise trade of certain areas under occupation or control. Dublin, 28 June 1948

English official text communicated by the Permanent Representative of the United States of America at the seat of the United Nations. The registration took place on 7 July 1949.

ETATS-UNIS D'AMERIQUE
et
IRLANDE

Echange de notes constituant un accord concernant l'application du traitement de la nation la plus favorisée aux échanges commerciaux de certaines régions soumises à occupation ou contrôle. Dublin, 28 juin 1948

Texte officiel anglais communiqué par le représentant permanent des Etats-Unis d'Amérique au siège de l'Organisation des Nations Unies. L'enregistrement a eu lieu le 7 juillet 1949.

No. 489. EXCHANGE OF NOTES¹ CONSTITUTING AN AGREEMENT BETWEEN THE GOVERNMENTS OF THE UNITED STATES OF AMERICA AND IRELAND RELATING TO THE APPLICATION OF MOST-FAVOURLED-NATION TREATMENT TO THE MERCHANDISE TRADE OF CERTAIN AREAS UNDER OCCUPATION OR CONTROL. DUBLIN, 28 JUNE 1948

I

The American Minister to the Irish Minister for External Affairs

No. 232

June 28, 1948

Excellency:

I have the honor to refer to the conversations which have recently taken place between representatives of our two Governments relating to the territorial application of commercial arrangements between the United States of America and Ireland and to confirm the understanding reached as a result of these conversations as follows:

1. For such time as the Government of the United States of America participates in the occupation or control of any areas in Western Germany, the Free Territory of Trieste, Japan or Southern Korea, the Government of Ireland will extend to the merchandise trade of such areas the most-favored-nation treatment for the time being accorded to the merchandise trade of the United States of America. It is understood that the undertaking in this paragraph relating to the extension of most-favored-nation treatment shall be subject to the exceptions recognized in the General Agreement on Tariffs and Trade² permitting departures from the application of most-favored-nation treatment; provided that nothing in this sentence shall be construed to require compliance with the procedures specified in the General Agreement with regard to the application of such exceptions.

2. The undertaking in point 1, above, will apply to the merchandise trade of any area referred to therein only for such time and to such extent as such

¹ Came into force on 28 June 1948, by the exchange of the said notes.

² United Nations Publications, 1947.II.10.

area accords reciprocal most-favored-nation treatment to the merchandise trade of Ireland.

3. The undertakings in points 1 and 2, above, are entered into in the light of the absence at the present time of effective or significant tariff barriers to imports into the areas herein concerned. In the event that such tariff barriers are imposed, it is understood that such undertakings shall be without prejudice to the application of the principles set forth in the Havana Charter for an International Trade Organization¹ relating to the reduction of tariffs on a mutually advantageous basis.

4. It is recognized that the absence of a uniform rate of exchange for the currency of the areas in Western Germany, Japan or Southern Korea referred to in point 1, above, may have the effect of indirectly subsidizing the exports of such areas to an extent which it would be difficult to calculate exactly. So long as such a condition exists, and if consultation with the Government of the United States of America fails to reach an agreed solution of the problem, it is understood that it would not be inconsistent with the undertaking in point 1 for the Government of Ireland to levy a countervailing duty on imports of such goods equivalent to the estimated amount of such subsidization, where the Government of Ireland determines that the subsidization is such as to cause or threaten material injury to an established domestic industry, or is such as to prevent or materially retard the establishment of a domestic industry.

5. The undertakings in this note shall remain in force until January 1, 1951, and unless at least six months before January 1, 1951, either Government shall have given notice in writing to the other of intention to terminate these undertakings on that date, they shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given.

Please accept, Excellency, the renewed assurances of my highest consideration.

George A. GARRETT

His Excellency Seán MacBride
Minister for External Affairs
for the Government of Ireland
Dublin

¹ United Nations Publications, 1948.II.D.4.

II

The Irish Minister for External Affairs to the American Minister

ROINN GNOTHAI EACHTRACHA
DEPARTMENT OF EXTERNAL AFFAIRS
BAILE ÁTHA CLIATH
DUBLIN

28th June, 1948

Excellency,

I have the honour to refer to the conversations which have recently taken place between representatives of our two Governments relating to the territorial application of commercial arrangements between the United States of America and Ireland, and to confirm the understanding reached as a result of these conversations as follows:

[*See note I*]

Accept, Excellency, the renewed assurance of my highest consideration.

Seán MACBRIDE
Minister for External Affairs

His Excellency George A. Garrett
Envoy Extraordinary and Minister Plenipotentiary
of the United States of America
Dublin
