

restrictive import regime on an m.f.n. basis; for example, for stainless steel cutlery, a product that the Japanese "restrained" at the request of Canada. the U.S. had a tariff quota system, imposed consequent to an "escape clause" action in 1958, that was sufficiently restrictive as to make a special restraint by Japan on exports to the U.S. unnecessary. See USITC 1229: The Effectiveness of Escape Clause Relief in Promoting Adjustment to Import Competition, Inv. 332-115 March 1982, Chapter Seven.

10 The procedures developed by the C.P.'s were referred to as the "hard-core" waiver procedure: referring, that is, to the "hard-core" restrictions; see 35 BISD, p. 38. "Decision of 5 March 1955. Problems Raised for Contracting Parties in Eliminating Import Restrictions Maintained During a Period of Balance of Payments Difficulties.

11 GATT, 75 BISD, Declaration of 22 November 1958, Provisional Accession of Switzerland, paragraph 1(b).

12 GATT, 35 BISD, p. 32. Decision of 5 March 1955, Waiver Granted to the United States, etc.

13 For example, Canada has invoked Article XIX in regard to imports of a number of horticultural and agricultural problems. These almost always involved imports from the U.S., and frequently gave rise to prolonged negotiations about compensation, and, in one case, to retaliatory import restrictions by the U.S. For a detailed discussion of that case, the so-called "cattle war" of 1973, see Robert E. Hudec: "Retaliation Against 'Unreasonable' Foreign Trade Practices: The New Section 301 and GATT Nullification and Impairment" 59 Minnesota Law Review 1975, 461-539, especially p. 535-539: "A Preview of Section 301: The Cattle War".

14 See footnote 6, above.

15 GATT: 115 BISD, p. 26, paragraph 1.

16 Agreement with Japan of May 16, 1956. (See reference below to Consumers Union vs Kissinger.)

17 A phrase frequently used by Jan Tumlir; emphasis added.

18 The most useful decision to consult is United States Court of Appeals for the District of Columbia Circuit, Consumers Union vs Kissinger, decided October 11, 1974. See especially the Appendix, at page 28 for a history of restraints on exports to the U.S.

19 Trade Act of 1974, Public Law 93-610, 93rd Congress, H.R. 10710, January 3, 1975, section 607, at page 96.

20 Footnote 35 to Chapter VI; the text of letter by the U.S. Attorney General is attached as an Annex to this chapter.

21 See Art Pine: "U.S. Shoe Makers Bid For Import Curbs Presents Reagan With Dangerous Choices", Wall Street Journal, August 21, 1985.