

Interview with André Dubois: the establishment of a common customs tariff (Brussels, 8 December 2006)

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[Étienne Deschamps] There was another point that was quite difficult to settle in the course of the negotiations, and it was the issue that you have alluded to in the context of the establishment of customs union, namely that of the establishment of a common external tariff, which by its nature and by definition has given rise to much highly technical debate. You mentioned the role or the duties of your father at the time; he was directly involved in this sub-negotiation concerning customs issues. Where did the difficulty lie, what were the implications of this debate and what was the response to it?

[André Dubois] As you say, my father chaired the customs committee, which met practically every day throughout the Val Duchesse negotiations.

At the start, they were confronted with four different customs tariffs: the German, French, Italian and Benelux tariffs. Hence there were two problems: the first was to agree to a common nomenclature, because, clearly, the same duties had to be applied to the same products. Without going into the technical details, I should say that the four customs territories had the same customs tariff structure because there exists a Brussels Convention on the Nomenclature that demands that the same key positions be respected. But there were numerous sub-headings, each of which always corresponded to special interests. If you linked together all four tariffs, you would end up with a tariff of ten thousand tariff lines, therefore one that was unusable for trade or by customs authorities. So a great effort was made, and it was a painstaking task, to reduce all that to three thousand tariff lines by the end of the negotiation, and later on this was reduced still further. It was mainly a technical task, but there were also some economic aspects.

The other main problem was how to calculate the duties. As for the treaty, which had not yet been signed but was still being negotiated, the rules had already been clarified and the treaty fixed the rules. The basic rule consisted in the arithmetical mean of the four tariffs, but it included a series of exceptions. I shall not go into the details, but there were lists in which it was specified that for certain products customs duties were not to exceed 5 %, others 10, 15, or 25 %; what is more, and this is where the greatest difficulties were encountered, there was a whole series of products for which the duty had to be negotiated between the partners. It was here, of course, that countries with a liberal policy of openness confronted much more protectionist countries, such as France in particular, but Italy as well. On numerous occasions, therefore, this negotiation required arbitration at Heads of delegation level, and also at ministerial level. Nobody could forget the session in Paris, during a ministerial meeting — in the Salon de l'Horloge, I think — when Mr Spaak acted as auctioneer, suggesting a figure for a product, listening to the reactions, then adopting a compromise figure, bringing down his hammer and declaring it 'Gone!'

In fact, there remained a list of products where it proved impossible to settle their tariffs before the signing of the treaty; it is what is called 'list G'. After this, the negotiations, which continued right up to the last minute in Rome itself, had to be halted at a certain point; it was then, following entry into force of the treaty, that at last, in 1960, the common tariff was completed. It was altogether a relatively moderate tariff, with a much lower level of protection than that accorded in the United Kingdom or the United States. Yet one thing should be remembered, and this needed to be borne in mind during the negotiations, which is that GATT has a rule for customs unions requiring that customs duties cannot be higher than the general incidence of duties applied before the formation of the customs union.