

Geneva, May 18th, 1932.

C.470.1932.I.

FREE CITY OF DANZIG.

DIRECT ACTION IN CUSTOMS MATTERS.

STATEMENT MADE BY THE RAPPORTEUR.

If I insisted, at the meeting of the Council on May 10th, that this question should be treated as a matter of urgency, it was for two reasons. In the first place the question is, in itself, one of great importance for the economic relations between Poland and Danzig, and, secondly, it is the first occasion on which the Council has had before it a case of direct action. Direct action implies, under the definition given by the Council in its resolution of March 13th, 1925, the existence of a serious situation, and a great responsibility rests on the Council when such a question comes before it; and equally, a great responsibility rests on the parties to see that there should be no delay in putting the decision into effect, in the letter and in the spirit, whether the decision has been taken by the High Commissioner or by the Council. The gravity of this procedure implies, however, that it is to be regarded as an exceptional procedure. I should like, at once, to emphasise - and I am sure that the Council will agree with me - that it is a procedure which must not be abused. Too frequent recourse to it by the parties might easily lead to the result of substituting it for the ordinary procedure established by article 39 of the Convention of Paris and the resolution of the Council of June 11th, 1925.

At its meeting on May 10th, the Council was good enough to authorise me to consult jurists, so that I could found or reinforce my opinion on their judgment. On the same day, I

requested Professor Basdevant, Dr. Göppert and Sir William Malin to give me their opinion on the questions which were before the Council. The Jurists Committee met on the same evening. They were sitting continuously for three days and completed their task on Friday evening. I should like to take this opportunity to express to the Members of the Committee my sincere thanks for the substantial work they have accomplished. The scope of their work shows how necessary it was to avoid the loss of time which might easily have occurred if the question had simply been adjourned until this week. The opinion of the Jurists is now in my possession and I am quite prepared to place it at the disposal of the Council, if the Council so desires.

I am, however, in the happy position of being able to submit to the Council a draft resolution to which the parties have agreed. This resolution is as follows:

DRAFT RESOLUTION.

The Council,

Having regard to the High Commissioner's provisional decision of March 29th, 1932;

Having regard to the Danzig request of April 24th, 1932;

Having regard to the appeal lodged by Poland on May 8th, 1932, against the above-mentioned decision;

Having regard to the observations put forward by Poland on May 9th, 1932, concerning the above-mentioned Danzig request;

Affirming, in accordance with its decision of March 13th, 1925, that a provisional decision by the High Commissioner in regard to "direct action" becomes immediately executive in the letter and in the spirit;

Noting that it is highly important in the general interest that a settlement should be effected as soon as possible regarding the concrete points in connection with which the questions of direct action, dealt with in the High Commissioner's decision of March 29th, 1932, and Danzig's request of April 24th, 1932, arose;

Requests the High Commissioner to give his decisions concerning the relevant requests submitted by the parties as soon as possible, with the assistance of experts.

Poland withdraws the appeal lodged on May 8th, 1932, against the High Commissioner's decision of March 29th, 1932.

Pending the final settlement of the questions submitted to the High Commissioner by the request of September 15th, 1931, the provisions of Article 133, Para. 2, of the Polish fiscal penalties law of March 18th, 1932, shall not be applied in such a way as to prejudice the solution of the questions concerning the "passive" finishing trade and the warehousing trade dealt with in the above-mentioned request of September 15th, 1931.