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November 16th, 1959

COCOM Document No. 3760B

COORDINATING COMMITTEE

RECORD OF DISCUSSION

ON

A GERMAN PROPOSAL TO EXPORT RAILWAY SIGNALLING CABLE TO BULGARIA

November 9th and 12th, 1959

Present: Belgium (Luxembourg), Canada, Denmark, France, Germany, Italy, Japan, Netherlands, Turkey, United Kingdom, United States.

References: COCOM Documents No. 3722, 3734.

1. The CHAIRMAN drew the attention of the Committee to the German proposal to export 180 kms of railway signalling cable to Bulgaria. He recalled that the German Delegation had given additional technical information in COCOM 3734. He invited Delegates to give the views of their authorities.
2. The UNITED STATES Delegate commented that this was a very interesting case. The views of his authorities on the strategic nature of this material were already well known to the Committee. Without departing from these views, his authorities had given the German proposal very thorough consideration. The United States authorities were much impressed with the full and careful German presentation. They had noted the end-use for which the material was intended, the consistency of the types of material ordered with this end-use, and especially the assurance that the cable would be laid under the supervision of German technicians, who would also control the installation of the associated equipment. Examining all such factors, the United States had come to the conclusion that approval of this was warranted and they therefore raised no objection to this export.
3. The ITALIAN Delegate stated that his authorities had studied this request with great interest. In view of the stated end-use and the fact that German engineers would install the material concerned, the Italian authorities raised no objection to this export. They had also taken into consideration the fact that the cable was to be used for the line linking Bulgaria with another Member Country.
4. The FRENCH Delegate said that his authorities naturally raised no objection to the export of railway signalling cable since they considered that it was covered by List IV. In this connection, the Delegate recalled the undertaking his authorities had already given to refrain from exporting any more of this cable without first consulting the Committee. He noted with satisfaction the favourable opinions which had just been given to the German request, thus proving that railway telecommand and signalling cable, whatever its structure, was not considered as an essentially strategic product. Finally the Delegate reserved the right to make further comments on this case at a later date.
5. The NETHERLANDS Delegate said that although his authorities considered that the cable in question was covered by Item 1526, they would raise no objection to this particular export because of the favourable views which had already been expressed and the fact that its installation would be carried out under German supervision.

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6. The CANADIAN Delegate said that since Item 1526 was due to be discussed in the current list review, his authorities considered that ad hoc cases should be deferred until that discussion had taken place. In view of the opinions which had just been expressed however he would ask his authorities to reconsider their position.

7. The UNITED KINGDOM Delegate said that his position was similar to that of the Canadian Delegate. His authorities considered that this question would be best dealt with by changing the present definition of Item 1526 during the list review. Since this item was in fact due to be discussed in the Sub-Committee in three days' time his authorities preferred not to give their final views on the German request at this stage. The Delegate undertook to report back the favourable views which had been expressed at the present meeting.

8. The BELGIAN Delegate said that his authorities raised no objection to this export since they did not consider that the cables in question were covered by Item 1526.

9. The DANISH Delegate said that his authorities could agree with the majority of the Committee.

10. The TURKISH Delegate stated that his authorities raised no objection to this export.

11. The JAPANESE Delegate said that his authorities would raise no objection to this export because the work would be carried out under the supervision of German engineers and would be of benefit to the Western world.

12. The GERMAN Delegate expressed his thanks for the favourable replies which had been given. He also thanked the Canadian and United Kingdom Delegates for their readiness to recommend reconsideration to their authorities. With respect to the present situation of these two Delegations, he commented that it would introduce a dangerous precedent if an exceptions case were linked to the list review. The German request had been presented on its own merits; it was not based upon a redefinition of Item 1526. The only procedure which might justify linking the consideration of an exceptions case with the review of an item was the accident of definition procedure, which was not applicable in this case. The Delegate concluded by saying that the Committee had never in the past established a rule to wait for a general discussion to take place on an item before giving their final views on an ad hoc case.

13. The ITALIAN Delegate said that he agreed with the general point made by his German colleague. Similar comments had been made in the past on an Italian case concerning the export of bearings but the view of his authorities had been at that time, and was now, that exceptions cases should be considered on a separate basis whether a review of the item concerned was imminent or not.

14. The UNITED KINGDOM Delegate said that he agreed with the general principle expressed by his German and Italian colleagues.

15. The UNITED STATES Delegate associated himself with the remarks of his German and Italian colleagues with respect to the principle that exceptions requests and redefinition questions should be kept separate, except where accidents of definition were concerned and this was clearly not the case here. Practical considerations also supported the German and Italian remarks: he could not predict a redefinition solution that would automatically resolve the problem posed by the German request; moreover, the redefinition discussion would only commence in the Sub-Committee on November 12th, and revisions resulting from the list review were not due to come into effect before January 1st, 1960.

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16. The FRENCH Delegate stated that he shared the point of view of the German Delegation that replies to an exceptions request should not be delayed because of the impending review of the item in question. The Delegate nevertheless considered that the favourable views given at the present meeting on the export of railway telecommand and signalling cable constituted a very important element which should be taken into account when Item 1526 came up for discussion.

17. The NETHERLANDS Delegate stated that his authorities had based themselves on the particular circumstances of the German case when they gave their agreement. They considered that the cable concerned was definitely covered by Item 1526 but the use to which it was to be put constituted an example of the pacific end-use of strategic material. His authorities, at the time of the review, would propose the addition of a Note to Item 1526 permitting the export of this type of material under certain conditions.

18. The COMMITTEE agreed to hear the final views of Governments on November 12th.

19. On November 12th the BELGIAN Delegate informed the Committee that his authorities had received a request for a licence for an identical order concerning the same railway line. He would therefore within the next few days submit an exceptions request for the Committee to consider as an alternative order.

20. The UNITED KINGDOM Delegate stated that in the light of the views expressed in the Committee on November 9th his authorities agreed that consideration of the German case need not await the discussion of Item 1526 in the list review and they raised no objection to this export.

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