

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

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Committee on Trade and Development

CONSULTATIONS CONCERNING THE IMPLEMENTATION OF PROVISIONS OF PART IV

Procedures Adopted by the Committee on Trade and Development
at its Sixteenth Session on 23 March 1970

1. Once a problem of non-compliance is raised by one or more contracting parties in the Committee on Trade and Development or brought to the notice of the Committee through a communication addressed to the secretariat, the Committee may request the secretariat to prepare the necessary background documentation and to facilitate such consultations between the parties concerned as might be helpful.
2. The Committee shall review the matter on the basis of the background information furnished by the secretariat.
3. If in the meantime no solution has been reached, the Committee shall make such arrangements to examine the matter as are acceptable to the parties directly concerned which may include inter alia the establishment of a panel or a working party, taking into account the following guidelines:

(i) Composition

A panel will comprise governmental experts from contracting parties selected primarily for their familiarity with the problems involved. The experts will act in their personal capacity and not as representatives of their governments. Each panel may have up to seven members. Their nomination shall be made in consultation with the parties having a direct interest in the problems to be examined.

The membership of a working party will be established by the Committee on the basis of proposals by its chairman and will include all countries having a substantial interest in the matter.

(ii) Terms of reference of panels or working parties

To hold consultations with the contracting parties concerned in respect of any report on non-compliance with paragraph 1 of Article XXXVII raised by one or more contracting parties, and to report on how progress might be made in reaching solutions satisfactory to all contracting parties concerned in order to further the objectives set forth in Article XXXVI. In conducting these consultations the panel or working party will also examine and report on reasons referred to in cases where effect was not being given to the provisions of paragraph 1 of Article XXXVII.

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(iii) Proceedings

Each panel or working party should be free to seek relevant information on matters falling within its terms of reference from the contracting parties directly concerned and would be assisted by statistical and analytical data compiled by the secretariat.

(iv) Reports

Each panel or working party will report to the Committee on Trade and Development within a period of six months of its appointment, subject to such extension of the time-limit as may be agreed upon by the Committee.

The Committee shall inform the CONTRACTING PARTIES of the establishment of any panel or working party and of the results of the consultations carried out by it in terms of the foregoing procedures.