

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

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CONSULTATIONS CONCERNING THE IMPLEMENTATION OF PROVISIONS OF PART IV

Draft Proposals

As requested by the Committee on Trade and Development at its fifteenth session, the secretariat has attempted to draw up proposals in regard to procedures for carrying out consultations on the implementation of Part IV. These proposals are set out below.

1. Once a problem of non-compliance is raised 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 establish a panel or a working party (as may be considered appropriate), 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.

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(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 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.

(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.