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TARIFFS AND TRADE

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STATUS OF WORK IN PANELS AND IMPLEMENTATION OF PANEL REPORTS

Report by the Director-General¹

A. STATUS OF WORK IN PANELS ESTABLISHED UNDER THE GENERAL AGREEMENT

1. Canada - Measures affecting the sale of gold coins

The Panel, established in November 1984 at the request of South Africa, submitted its report in September 1985 (L/5863). At issue in this case was the differential fiscal treatment in Ontario between Maple Leaf gold coins and other gold investment coins. This differential treatment was removed on 7 January 1986. The report was discussed at five Council meetings. At the May 1986 meeting Canada stated that it was not in a position to indicate whether it could support the adoption of the report (C/M/198).

2. United States - Trade measures affecting Nicaragua

The Panel was established in October 1985 at the request of Nicaragua and submitted its report in October 1986 (L/6053). The report was considered at the Council meeting in November 1986 (C/M/204) and April and July 1987 (C/M/208, 212). The Chairman of the Council has consulted with delegations on the Panel report on several occasions (C/M/212, 213, 215). The Council considered the matter again at its meeting in June 1989 (C/M/234), and took note in its meeting in April 1990 of statements referring to the removal of the United States measures affecting Nicaragua (C/M/240).

3. United States - Restrictions on the importation of agricultural products applied under the 1955 Waiver and under the Headnote to the Schedule of tariff concessions (Schedule XX - United States) concerning Chapter 10

The Panel was established at the meeting of the Council in June 1989 at the request of the EEC (C/M/234). Its composition and terms of reference were decided at the same meeting. It began its work in July 1989 and submitted its report to the Council at its meeting in February 1990 (C/M/239). The report was discussed by the Council at its meetings in April, May, June, July and October 1990 (C/M/240, 241, 243, 244, 245), and adopted at its November 1990 meeting (C/M/246).

¹Previous reports were circulated as documents C/124, C/136, C/139, C/141, C/148, C/152, C/156, C/160, C/167, C/170, C/172 and C/175.

4. United States - Countervailing duty on pork from Canada

The Panel was established by the CONTRACTING PARTIES at their Session in December 1989 (SR.45/2) at the request of Canada. The Council was informed of the composition and terms of reference of the panel at its meeting in February 1990 (C/M/239). The Panel began its work in February 1990 and submitted its report in September 1990 (DS7/R*). The report was discussed at the Council meetings in October and November 1990 (C/M/245, 246), and at the Session in December 1990 (SR.46/1). It was further discussed at Council meetings in February, March, April and May 1991 (C/M/247, 248, 249, 250).

5. Thailand - Restrictions on importation of and internal taxes on cigarettes

The Panel was established at the meeting of the Council in April 1990 (C/M/240) at the request of the United States. Its composition and terms of reference, as well as an Understanding between the parties, were announced at the Council meeting in May 1990 (C/M/241). The Panel began its work in May 1990 and submitted its report in October 1990 (DS10/R). The report was adopted at the November 1990 Council meeting (C/M/246).

6. Canada - Import, distribution and sale of certain alcoholic drinks by provincial marketing agencies

The Panel was established at the meeting of the Council in February 1991 at the request of the United States (C/M/247). Its composition and terms of reference were announced in March 1991 (DS17/4).

7. United States - Restrictions on imports of tuna

The Panel was established at the meeting of the Council in February 1991 at the request of Mexico (C/M/247). Terms of reference were agreed at the same meeting. The composition of the Panel was announced at the March 1991 Council meeting (C/M/248).

8. United States - Denial of MFN treatment as to imports of non-rubber footwear from Brazil

The Panel was established at the meeting of the Council in April 1991 at the request of Brazil (C/M/249). The composition of the Panel and its terms of reference were announced in June 1991 (DS18/3).

9. United States - Measures affecting alcoholic and malt beverages

The Panel was established at the meeting of the Council in May 1991 at the request of Canada (C/M/250).

B. STATUS OF WORK IN PANELS ESTABLISHED UNDER MTN AGREEMENTS

1. European Economic Community - Subsidies on exports of wheat flour
2. European Economic Community - Subsidies on exports of pasta products

The reports of these two Panels, established by the Committee on Subsidies and Countervailing Measures at the request of the United States (SCM/42 and SCM/43), were submitted to the Committee in March and May 1983, respectively. They deal with fundamental issues, bearing on the interpretation of Article 10 in the wheat flour case and on the application of Article 9 in the pasta products case. As there have been divergent perceptions in the Committee in this respect, it has not been possible, so far, to adopt these reports. The Committee discussed the reports most recently in May 1991 (SCM/M/51).

3. United States - Definition of "industry" for wine and grape products

The Panel was established by the Committee on Subsidies and Countervailing Measures in February 1985 at the request of the EEC and submitted its report to the Committee in March 1986 (SCM/71). The Committee discussed the report at meetings in 1986, 1987, 1988, 1989 and 1990. The Committee discussed the report most recently in May 1991 but no agreement on its adoption could be reached (SCM/M/51).

4. Canada - Countervailing duty investigation into manufacturing beef from the EEC

The Panel was established by the Committee on Subsidies and Countervailing Measures in October 1986 at the request of the EEC (SCM/M/32). The terms of reference of the Panel were agreed in December 1986 and its composition in March 1987. The Panel began its work in May 1987. It submitted its report to the parties to the dispute in September 1987 and to the Committee in October 1987 (SCM/85). The Committee considered the report at meetings in 1987, 1988 and 1989. At meetings held in October 1990 and May 1991 the Committee discussed the situation created by the non-adoption of this and the three preceding panel reports (SCM/M/48 and SCM/M/51). At the May 1991 meeting, signatories expressed the urgent need to resolve this situation.

5. United States - Collection of countervailing duties on entries of non-rubber footwear from Brazil

The Panel was established by the Committee on Subsidies and Countervailing Measures in October 1988 at the request of Brazil (SCM/M/40 and Add.1). The Panel began its work in February 1989 and submitted its report (SCM/94) to the Committee in October 1989 (SCM/M/44). The Committee discussed the report at its meetings held in April and October 1990, and in May 1991, but has so far not been able to adopt the report (SCM/M/46, 48 and 51).

6. United States - Anti-dumping duties on imports of stainless steel pipes and tubes from Sweden

The Panel was established by the Committee on Anti-Dumping Practices in January 1989 at the request of Sweden (ADP/M/25). The terms of reference and the composition of the Panel were determined in April 1989 (ADP/43). The Panel began its work in May 1989 and submitted its report to the Committee in August 1990 (ADP/47). The Committee discussed the report at meetings held in September and November 1990 and in April 1991, but has so far been unable to adopt the report (ADP/M/29, 30 and 32).

7. European Economic Community - Exchange rate guarantee scheme for German aircraft industry

The Panel was established by the Committee on Subsidies and Countervailing Measures at its meeting in March 1991 (SCM/M/49). The terms of reference and composition of the panel were announced in April 1991 (SCM/M/50).

C. IMPLEMENTATION OF PANEL REPORTS

1. United States - Customs user fee

The report of the Panel, established in March 1987 at the request of Canada and the EEC, was adopted by the Council in February 1988 (C/M/217). Concerns about the non-implementation of the Panel's recommendations were expressed at the meeting of the CONTRACTING PARTIES at their Session in November 1988 (SR.44/2) and at Council meetings in March and May 1989 (C/M/228, 232). At the Council meeting in June 1989, the United States announced that a legislative amendment presently before Congress would remove measures inconsistent with the Panel recommendations (C/M/234). The matter was again considered by the Council at its meeting in November 1989 (C/M/237). At the Session of the CONTRACTING PARTIES in December 1989, the United States stated that it would implement the recommendations of the panel upon expiry in October 1990 of the current customs user fees (SR.45/2). At the Council meeting of October 1990, the United States announced that it had revised its customs user fees in response to the Panel report (C/M/245, L/6741). Implementation of the report was again discussed at the Council meeting in March 1991 (C/M/248).

2. Japan - Restrictions on imports of certain agricultural products

The report of the Panel, established in October 1986 at the request of the United States, was adopted by the Council in February 1988 (C/M/217). Questions concerning the full implementation of the report were raised at the Council meeting in June 1990 (C/M/243) and at meetings in February, March, April and May 1991 (C/M/247, 248, 249, 250).

3. Canada - Import, distribution and sale of alcoholic drinks by Canadian provincial marketing agencies

The report of the Panel, established in March 1985 at the request of the EEC, was adopted by the Council in March 1988 (C/M/218). At the Council meeting in July 1990, the United States questioned the implementation of the report and requested consultations with Canada (C/M/244). At its meeting in October 1990, the Council took note of a request from the United States that it be permitted to suspend the application to Canada of appropriate concessions or other obligations (C/M/245). The matter was discussed at the Council meeting in November 1990 (C/M/246), and at the Session in December 1990 (SR.46/1).

4. United States - Section 337 of the Tariff Act of 1930

The report of the Panel, established in October 1987 at the request of the EEC, was adopted in November 1989 (C/M/237). In the December 1989 Session of the CONTRACTING PARTIES, the EEC expressed the hope that the United States would report soon on how it intended to implement the report (SR.45/2). Implementation of the report was again discussed at Council meetings in March and April 1991 (C/M/248, 249).

5. Canada - Restrictions on Imports of Ice-Cream and Yoghurt

The report of the Panel, established in December 1988 at the request of the United States, was adopted by the CONTRACTING PARTIES in December 1989 (SR.45/2). The implementation of the report was discussed at Council meetings in June, July, October and November 1990 (C/M/243, 244, 245, 246) and at the Session meeting in December 1990 (SR.46/1). Implementation was further discussed at the Council meeting in February 1991 (C/M/247).

6. European Economic Community - Payments and subsidies paid to processors and producers of oilseeds and related animal-feed proteins

The report of the panel, established in February 1987 at the request of Canada, was adopted in January 1990 (C/M/238). Implementation of the report was discussed at Council meetings in April and May 1991 (C/M/249, 250).

7. European Economic Community - Regulations to prevent circumvention of anti-dumping duties

The report of the Panel, which was established in October 1988 at the request of Japan, was adopted by the Council in May 1990 (C/M/241). The implementation of the report was discussed at the Council meeting in July 1990 (C/M/244).