

GENERAL AGREEMENT ON

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COUNCIL

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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 was established in November 1984 at the request of South Africa and 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). At the November 1991 Council meeting Canada indicated that it would expect to be in a position to agree to the adoption of the report in the light of the final outcome of the Uruguay Round (C/M/253).

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 meetings 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).

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, C/175, C/178 and C/180.

3. United States - Countervailing duties on fresh, chilled and frozen pork from Canada

The Panel was established by the CONTRACTING PARTIES at their 45th 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 Council meetings in October and November 1990 (C/M/245, 246), and at the 46th Session of the CONTRACTING PARTIES 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) and adopted at the July 1991 Council meeting (C/M/251).

4. 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). The Panel began its work in March 1991 and submitted its report in October 1991 (DS17/R). The report was discussed at the 47th Session of the CONTRACTING PARTIES in December 1991 (SR.47/1), and adopted at the Council meeting in February 1992 (C/M/254). Implementation of the report was discussed at the Council meeting in April 1992 (C/M/256).

5. 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). The Panel began its work in March 1991 and submitted its report in September 1991 (DS21/R). At the November 1991 Council meeting Mexico and the United States stated that they were examining the Panel report (C/M/256). At the 47th Session of the CONTRACTING PARTIES, the United States said that it was working with Mexico to arrive at a satisfactory solution (SR.47/2). The report was discussed at Council meetings in February, March and April 1992 (C/M/254, 255 and 256).

6. 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). The Panel began its work in June 1991, and submitted its report to the parties in December 1991. The report was discussed at the Council meetings in February, March and April 1992 (C/M/254, 255 and 256).

7. 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). The composition of the Panel and its terms of reference were announced in July 1991 (DS23/4). The Panel began its work in July 1991, and submitted its report to the parties in February 1992. The report was discussed at the Council meeting in April 1992 (C/M/256).

8. EEC - Trade measures taken for non-economic reasons

The Panel was established at the meeting of the Council in March 1992 at the request of Yugoslavia (C/M/255).

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 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 April 1992 (SCM/M/59).

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, 1990 and 1991. The Committee discussed the report most recently in April 1992 (SCM/M/59).

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 in October 1987 (SCM/85). The

Committee considered the report at meetings in 1987, 1988, 1989, 1990 and 1991. The Committee discussed the report most recently in April 1992 (SCM/M/59).

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) in October 1989 (SCM/M/44). The Committee discussed the report at meetings held in April and October 1990, and in May and October 1991 (SCM/M/46, 48, 51 and 54). It was further discussed at a meeting of the Committee in April 1992 (SCM/M/59).

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 in August 1990 (ADP/47). The Committee discussed the report at meetings held in September and November 1990, and in April and October 1991 (ADP/M/29, 30, 32 and 34), and in April 1992 (ADP/M/37). It was also discussed at the 47th Session of the CONTRACTING PARTIES in December 1991 (SR.47/2)

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

The Panel was established by the Committee on Subsidies and Countervailing Measures in March 1991 at the request of the United States (SCM/108, SCM/M/49). The terms of reference and composition of the panel were announced in April 1991 (SCM/M/50). The Panel began its work in May 1991, and submitted its report in January 1992. The report was discussed by the Committee at its meeting in April 1992 (SCM/M/59).

8. United States - Procurement of a sonar mapping system by the United States National Science Foundation

The Panel was established by the Committee on Government Procurement in July 1991 at the request of the European Economic Community (GPR/W/107, GPR/M/41). The composition and terms of reference were announced in September 1991 (GPR/61). The Panel began its work in October 1991 and submitted its report to the parties in April 1992. The report was discussed by the Committee at its meeting in May 1992.

9. Canada - Countervailing measures against grain corn

The Panel was established by the Committee on Subsidies and Countervailing Measures in July 1991 at the request of the United States (SCM/118, SCM/M/52). The composition and terms of reference were agreed in August 1991 (SCM/121). The Panel began its work in September 1991, and submitted its report to the Committee in February 1992. The Committee adopted the report at its meeting in March 1992 (SCM/M/58).

10. United States - Countervailing measures against imports of fresh and chilled Atlantic salmon

The Panel was established by the Committee on Subsidies and Countervailing Measures in September 1991 at the request of Norway (SCM/123, SCM/M/53). The terms of reference were agreed at the same meeting. The composition of the Panel was announced on 6 November 1992 (SCM/129). The Panel began its work in January 1992.

11. Norway - Trondheim Toll Collection System

The Panel was established by the Committee on Government Procurement in September 1991 at the request of the United States (GPR/W/110, GPR/M/42). The composition and terms of reference were agreed in October 1991, and the Panel began its work in November 1992. The Panel submitted its report to the parties in April 1992. The report was adopted by the Committee at its meeting in May 1992.

12. United States - Anti-dumping duties on grey Portland cement and cement clinker imported from Mexico

The Panel was established by the Committee on Anti-Dumping Practices in October 1991 at the request of Mexico (ADP/66, ADP/M/34). The terms of reference and composition of the Panel were announced on 20 January 1992 (ADP/71). The Panel began its work in March 1992.

13. United States - Anti-dumping duties on imports of fresh and chilled salmon from Norway

The Panel was established by the Committee on Anti-Dumping Practices in October 1991 at the request of Norway (ADP/65/Add.1, ADP/M/34). The terms of reference and composition of the Panel were announced on 6 November 1991 (ADP/69). The Panel began its work in January 1992.

14. United States - Measures affecting softwood lumber from Canada

The Panel was established by the Committee on Subsidies and Countervailing Measures at its meeting in December 1991 (SCM/M/56). The terms of reference and composition of the Panel were announced on 21 February 1992 (SCM/41). The Panel began its work in March 1992.

15. United States - Measures affecting the export of pure and alloy magnesium from Canada

The Panel was established by the Committee on Subsidies and Countervailing Measures in January 1992 at the request of Canada (SCM/M/57). The terms of reference were decided at the same meeting. The composition of the Panel was announced on 26 February 1992 (SCM/143). The Panel began its work in April 1992.

16. Korea - Anti-Dumping duties on imports of polyacetal resins from the United States

The Panel was established by the Committee on Anti-Dumping Practices in February 1992 (ADP/M/36). The terms of reference and composition of the Panel were announced on 29 April 1992 (ADP/76). The Panel began its work in May 1992.

C. IMPLEMENTATION OF PANEL REPORTS

1. 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), at meetings in February, March, April, May, July, October and November 1991 (C/M/247, 248, 249, 250, 251, 252, 253) and at the 47th Session of the CONTRACTING PARTIES in December 1991 (SR.47/2).

2. United States - Restrictions on imports of sugar

The report of the Panel, established in September 1988 at the request of Australia, was adopted in June 1989 (C/M/234). The implementation of the report was discussed at Council meetings in January, May, October and November 1990 (C/M/238, 241, 245, 246), and in July and November 1991 (C/M/251, 253).

3. 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). At the 45th Session of the CONTRACTING PARTIES in December 1989, 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, April, July and November 1991 (C/M/248, 249, 251, 253) and at the 47th Session of the CONTRACTING PARTIES in December 1991 (SR.47/2).

4. Korea - Restrictions on imports of beef (complaints by Australia, New Zealand and the United States)

The reports of the Panels, established in May and September 1988, were adopted in November 1989 (C/M/237). The implementation of the reports was discussed at Council meetings in January, February, April, May, June, July and November 1990 (C/M/238, 239, 240, 241, 243, 244, 246), and in July and November 1991 (C/M/251, 253).

5. 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, May, July and October 1991 (C/M/249, 250, 251, 252). At the November 1991 Council meeting, the United States announced its intention to seek the reconvening of the Panel to examine the issue of implementation of the report (C/M/253). At their 47th Session in December 1991 the CONTRACTING PARTIES decided to reconvene the members of the Panel (SR.47/1). The report (DS28/R) of the reconvened members of the Panel was discussed at the Council meeting in April 1992 (C/M/256).

6. European Economic Community - Regulation on imports of parts and components

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 and November 1991 (C/M/244, 253).

7. 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). The Panel began its work in March 1991 and submitted its report in October 1991 (DS17/R). The report was discussed at the 47th Session of the CONTRACTING PARTIES in December 1991 (SR.47/1), and adopted at the Council meeting in February 1992 (C/M/254). Implementation of the report was discussed at the Council meeting in April 1992 (C/M/256).