

# GENERAL AGREEMENT ON

RESTRICTED

SCM/Spec/21

10 February 1989

## TARIFFS AND TRADE

Committee on Subsidies and  
Countervailing Measures

Original: English

### COMMUNICATION FROM BRAZIL

The following communication, dated 31 January 1989, has been received by the Chairman from the Permanent Mission of Brazil with the request that it be brought to the attention of signatories.

As you are aware, on 6 October 1988, following a request from Brazil, the Committee on Subsidies and Countervailing Measures established a panel, under the relevant articles of the Agreement on Interpretation and Application of Articles VI, XVI and XXIII of the General Agreement on Tariffs and Trade, in order to consider the "Imposition by the United States of Countervailing Duties on Certain Non-Rubber Footwear from Brazil".

2. On 16 December 1988, Brazil and the United States agreed on the list of names proposed by you to integrate the group of panelists who would take charge of the matter.
3. On 13 December 1988, Mr. Luzius Wasescha, in his capacity as Chairman to the Panel referred to above, informed both interested parties, through the Director of the GATT's Tariff Division, that "he would be grateful to receive from you a written submission in which the main arguments are contained and that the submission should reach the GATT secretariat, for distribution to the Panel members by 25 January 1989".
4. In pursuance to that request, the submission by Brazil was duly forwarded to the Panel's Chairman on 25 January 1989. The United States Government, however, did not deliver its submission on that date.
5. I need not dwell on the fact that the US Government's inability to abide by the request of the Panel's Chairman constitutes an indication of belittlement towards the Panel, its members and the mechanisms for dispute settlement existing in the Code.
6. It is also particularly regrettable that the US Government did not provide Brazil with an early warning of its difficulties, regarding the accomplishment of the time-limit set by Mr. L. Wasescha.

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7. The Government of Brazil is seriously concerned with the delay in the proceedings of this Panel. In this connection it is worth underlining that this delay must not prevent the panelists from working within the limits set forth in Article 18:2 of the Code, which, in any case, should not be disregarded.