

# GENERAL AGREEMENT ON

RESTRICTED

# TARIFFS AND TRADE

DS23/5

27 February 1992

Limited Distribution

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PANEL ON UNITED STATES - MEASURES AFFECTING  
ALCOHOLIC AND MALT BEVERAGES

Note by the Panel

In accordance with paragraph 5 of Section F(f) of the Decision of the CONTRACTING PARTIES of 12 April 1989 on "Improvements to the GATT Dispute Settlement Rules and Procedures" (BISD 36S/65), "the period in which the panel shall conduct its examination, from the time the composition and terms of reference of the panel have been agreed upon to the time when the final report is provided to the parties to the dispute, shall, as a general rule, not exceed six months". Paragraph 6 of Section F(f) provides that "[w]hen the panel considers that it cannot provide its report within six months, ... it shall inform the Council in writing of the reasons for the delay together with an estimate of the period within which it will submit its report".

The composition of the Panel was agreed on 8 July 1991. In order to meet the six-month deadline in accordance with the above Decision, the Panel would have had to submit its report to the parties to the dispute on or before 8 January 1992. However, the Panel has been required to examine various aspects of the liquor regulations of 44 different states of the United States. A total of 76 different specific state measures as well as two federal-level measures were before the Panel. Furthermore, the parties to the dispute could not agree on the factual description of a number of measures, and the parties submitted documentation to the Panel as late as 30 January 1992.

As a result, the Panel was not able to meet the deadline of 8 January. However, the Panel provided its report to the parties to the dispute on 7 February and intends to circulate its report to the contracting parties on 16 March 1992, unless the parties reach a mutually satisfactory settlement of the matter before that date.