RESTRICTED

DS38/9
16 July 1993

Limited Distribution

GENERAL AGREEMENT ON TARIFFS AND TRADE

EEC - IMPORT REGIME FOR BANANAS

Recourse to Article XXIII:2 by Colombia, Costa Rica Guatemala, Nicaragua and Venezuela

Note by the Chairman of the Council

1. At its meeting on 16 June 1993 the Council established a panel in accordance with paragraph F(a) of the Decision of the CONTRACTING PARTIES of 12 April 1989 concerning Improvements to the GATT Dispute Settlement Rules and Procedures (BISD 36S/61). The Panel has standard terms of reference and shall examine the complaint by Colombia, Costa Rica, Guatemala, Nicaragua and Venezuela under Article XXIII:2 (DS38/6) against the European Community concerning the EEC import régime for bananas.

2. On 6 July 1993 Colombia, Costa Rica, Guatemala, Nicaragua and Venezuela requested the Director-General to compose the panel by virtue of paragraph F(c)5 of the Decision of the CONTRACTING PARTIES of 12 April 1989 concerning Improvements to the GATT Dispute Settlement Rules and Procedures (BISD 36S/61). This paragraph provides:

> "If there is no agreement on the members within twenty days from the establishment of a panel, at the request of either party, the Director-General, in consultation with the Chairman of the Council, shall form the panel by appointing the panelists whom he considers most appropriate, after consulting both parties. The Director-General shall inform the contracting parties of the composition of the panel thus formed no later than ten days from the date he receives such a request."

The Director-General has accordingly composed the panel as follows:

Chairman: H.E. Mr. K. Kesavapany

Members: Mr. T. Cottier
Mr. U. Petersmann